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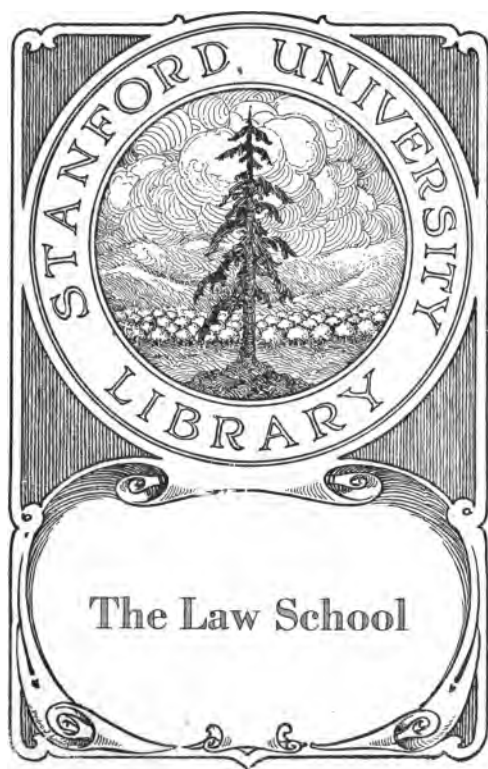
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ACTS  
OF THE  
STATE OF TENNESSEE,

PASSED BY THE FIRST SESSION OF THE

THIRTY-SEVENTH GENERAL ASSEMBLY

FOR THE YEAR 1871.

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PUBLISHED BY AUTHORITY:

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YASSEL BOMATZ

PUBLIC ACTS  
OF  
THE GENERAL ASSEMBLY  
OF THE  
State of Tennessee.

PASSED BY THE FIRST SESSION OF THE THIRTY-SEVENTH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE ON THE FIRST MONDAY IN OCTOBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

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CHAPTER I.

An Act to amend an Act entitled "An Act for the preservation and protection of Game in Rutherford and Fayette counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1 of an Act entitled, "An Act for the preservation and protection of game in Rutherford and Fayette counties," passed June 30th, 1870, and approved July 5, 1870, be so amended as to read "in the counties of Rutherford, Fayette, Shelby and Tipton counties.

SEC. 2. *Be it further enacted*, That section (2) two of said Act be so amended as to read, "in the counties of Rutherford, Fayette, Shelby and Tipton, from the 1st day of April to the 1st day of October."

SEC. 3. *Be it further enacted*, That all the laws, or parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed October 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office, October 19, 1871,  
and approved by the Governor.

JOHN C. BROWN.

## CHAPTER II.

An Act to fix the hour for trials in Justices' Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That unless the hour for trial in civil cases, before a Justice of the Peace shall be fixed in the warrant, or in the return of the officer executing the warrant, such hour of trial shall be noon, and neither party shall be bound to wait for the other longer than one hour thereafter.

Passed October 20, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

S. L. WARREN,  
*Speaker of the Senate, pro tem.*

Received at the Executive Office, at 2 P. M., October 23, 1871, and approved.

JOHN C. BROWN, *Governor.*

## CHAPTER III.

An Act to establish a Circuit and Chancery Court for the county of James.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Circuit and Chancery Court

be and the same are hereby established at the town of Ooltawah, for the county of James, to have and to exercise the same jurisdiction respectively, in and for the county of James. as the Circuit and Chancery Courts of the other counties of the State.

SEC. 2. *Be it further enacted*, That the Circuit Court hereby and herein established, shall be held by the Judge of the Fourth Judicial Circuit on the fourth Mondays of January, May and September; and the Chancery Court herein established shall be held by the Chancellor of the Third Chancery Division on the first Mondays of April and October.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed October 20, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office, October 26, 1871,  
and approved by the Governor.

JOHN C. BROWN.

#### CHAPTER IV.

An Act to amend An Act passed February 1, 1871, entitled, "An Act to defray the current expenses of the last session of the General Assembly of 1870 and 1871.

WHEREAS, William A. Dunlap, a member of the House of Representatives during the last session of the General Assembly, was absent on leave, by reason of physical inability, and

WHEREAS, Said Dunlap has recently departed this life without having drawn his *per diem* that accrued during his illness. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed the 1st day of February, 1871, entitled, "An Act to defray the current expenses of the General Assembly," be so amended as to provide that the *per diem* of said W. A. Dunlap, amounting to \$268.40, be paid to — Dunlap, the widow of W. A. Dunlap, *per diem* allowed to.

said Dunlap, for the use of her, the said widow, and her children.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury be and he is hereby instructed to issue his warrant upon the Treasurer for the same.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed October 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, October 26, 1871, and approved by the Governor.

JOHN C. BROWN.

## CHAPTER V.

An Act to change the time of holding the Chancery Court of Cheatham county by amending an Act passed June 30, 1870, entitled, "An Act to fix the time for holding the Chancery Courts."

Chan. Court  
of Cheatham  
county, time  
of holding  
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1 of Chapter XLVII, of an Act passed June 30, 1870, entitled "An Act to fix the time for holding the Chancery Courts," be so amended as to change the time of holding the Chancery Court for Cheatham county from the third Mondays of April and October to the second Mondays of May and November.

Process, &c.  
returnable at  
time fixed by  
this Act.

SEC. 2. *Be it further enacted*, That all process, which is now, or hereafter may be made returnable to any other time than that fixed by this Act, shall be transferred to the time fixed by this Act, and shall have as full force and effect as though no change of time had been made, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed October 20, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, October 26, 1871, and approved by the Governor.

JOHN C. BROWN.



## CHAPTER VI.

An Act to change the county line between the counties of Overton and Clay.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between Overton and Clay counties be changed as follows: Beginning on said county line south of G. W. Morgan's, where his line crosses said line, running with said Morgan's line and R. J. Upton's, to the eleven and three-fourth miles post from Livingston, on Mill Creek; thence an easterly course a straight line, passing the south end of William Garrett's land, to the forks of Carter's Creek, above Jesse M. Martin's; thence a slight variation north of east, so as to include in Clay county all of Thomas Martin's and W. W. Chilton's lands, passing through the lane dividing the lands of Mrs. Ruth Martin and O. T. L. Martin, to a chestnut oak, southeast corner of Thomas W. Barry's land, and including all his land, intersecting the county line again in the land dividing the lands of W. J. Dennis and Ezekiel Long: *Provided*, said line so changed shall not approach nearer than ten miles of Livingston, the county seat of Overton county, on a direct line. County lines of Overton and Clay counties changed.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it. Proviso.

Passed October 20, 1871,

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, October 26, 1871, and approved by the Governor.

JOHN C. BROWN.

## CHAPTER VII.

An Act to change the county line between the counties of Campbell and Union.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the

counties of Campbell and Union be changed so as to include all the farms upon which now live John S. Spangler and John K. Farris, in Union county. This Act to take effect from and after its passage, the public welfare requiring it.

Passed October 20, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office, October 26, 1871,  
and approved by the Governor.

JOHN C. BROWN.

## CHAPTER VIII.

An Act to abolish the office of County Judge in Decatur county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an Act passed by the General Assembly on the 24th of February, 1870, as relates to the office of County Judge in said county be and the same is hereby repealed, and the office of County Judge in said county is hereby abolished.

Passed October 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office, October 26th, 1871,  
and approved by the Governor.

JOHN C. BROWN.

## CHAPTER IX.

AN ACT to repeal so much of Section 1 of an Act entitled, An Act for the Protection and Preservation of Fish, &c., as relates to the Counties of Maury, Dickson, Warren, Marion, Benton, Humphreys, and Cannon, passed June 6, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of Section first of an Act entitled, An Act for the Protection and Preserva-

tion of Fish, to prevent seining, basketing, netting or trapping, in certain localities, passed June 6, 1870, and approved June 17, 1870, as relates to the Counties of Maury, Dickson, Warren, Marion, Benton, Humphreys, Marion, &c. and Cannon, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed October 19, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office October 26, 1871,  
and approved by the Governor.

JOHN C. BROWN.

## CHAPTER X.

AN ACT to change the County Line between the Counties of Campbell and Claiborne.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Line between the Counties of Campbell and Claiborne be changed as follows: Commencing on lot line "G." of Henderson & Co., Powell's Valley large survey, where the County line crosses the same; thence with said lot line north about 27° west to George W. Cooper's land; then with said Cooper's line, so as to include all the lands of George W. Cooper and J. B. Little in Campbell County. This Act to take effect from and after its passage, the public welfare requiring it.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office October 26, 1871,  
and approved by the Governor.

JOHN C. BROWN.

## CHAPTER XI.

AN ACT to loan Arms to West Tennessee College, and to the University of the South.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That one hundred stands of small arms be and are hereby loaned to West Tennessee College, and one hundred stands of small arms to the University of the South, located in Franklin County, to be under the immediate care of the Chief of the Military Department.

SEC. 2. *Be it further enacted,* That the parties receiving the arms above alluded to shall give good and sufficient bond and approved security, in double the amount of the value of the arms received, to the Governor of the State, for the return of said arms whenever called upon or demanded by the Governor of the State of Tennessee. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed October 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office October 26, 1871,  
and approved by the Governor.

JOHN C. BROWN.

## CHAPTER XII.

AN ACT to change the Line between the Counties of Smith and DeKalb.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Line between the Counties of Smith and DeKalb be changed as follows:

John Jones's land includ'd in DeKalb County. Beginning at the north-east corner of Wm. Grandstaff's lands, and the north-west corner of John Jones's lands, running thence eastward with said Jones's north

boundary line, so as to include the lands of said Jones in the County of DeKalb.

SEC. 2. *Be it further enacted*, That said John Jones be <sup>John Jones</sup> attached to the First District of DeKalb County, and <sup>attached to</sup> that this Act take effect from and after its passage, the <sup>1st District.</sup> public welfare requiring the same.

Passed October 24, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office October 31, 1871, and approved.

JOHN C. BROWN, *Governor.*

### CHAPTER XIII.

AN ACT to amend an Act approved December 20, 1870, to establish the County of Bell.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act, passed December 16, 1870, and approved December 20, 1870, entitled, "An <sup>Bell County.</sup> Act to establish the County of Bell," be and the same <sup>Act creating</sup> is hereby so amended that for the purpose of ascertaining <sup>amended.</sup> the number of qualified voters residing in those fractions of the Counties of McNairy, Hardeman and Fayette, composing Bell County, that the Commissioners appointed by said Act, or a majority of them, shall meet at some <sup>Commissioners to app'nt</sup> convenient point within said proposed new County, and <sup>Census tak'rs</sup> shall appoint a Census-taker for each of said fractions, <sup>for e'ch frac-</sup> whose duty it shall be, after first being duly sworn by some Justice of the Peace, or other persons authorized to administer oaths, to act impartially, and to make true returns, to proceed at once to take an enumerative census of the qualified voters residing within each of those fractions, and said census-takers, so appointed, when they have completed said census lists, shall make out duplicates thereof, one of which they shall file with the Clerk <sup>Census tak'rs</sup> of the County Court of each of the old counties from <sup>to make du-</sup> which fractions are to be taken, and the other to be filed <sup>plicate re-</sup> with the Commissioners. <sup>turns and file</sup> <sup>the same, &c</sup>

Election to  
be held.

SEC. 2. *Be it further enacted*, That on receipt of said census returns by said Commissioners, that they proceed to open and hold an election, as provided in the fourth Section of the Act this is intended to amend, and if a constitutional majority of the voters in each fraction, be in favor of the County of Bell, then said new County of Bell is hereby declared to be a new County, with all the privileges, powers and advantages, and subject to all the liabilities of other counties in this State, then and in that case, the said Commissioners shall proceed to organize the same in strict conformity with the Act that this is intended to amend.

Territory, in  
case of con-  
flict, Com-  
missioners to  
appoint sur-  
veyor, &c.

SEC. 3. *Be it further enacted*, That should a conflict of territory arise between the County of Bell and the proposed new County of Nashoba, then and in that case, the Commissioners of each shall meet and appoint a competent surveyor to establish the line between said Counties. But in no event shall said line be established so as to reduce Bell County below the constitutional limit for the establishment of new Counties nor to infringe upon the constitutional rights of Fayette County, and that the line thus established shall be deemed the western boundary of Bell County, and shall govern all their action of organization and jurisdiction of the same; *Provided*, that the Commissioners designated in the Law that this Act is intended to amend, shall have power to fill any vacancy that may occur in their body by death, resignation, or refusal to act.

Vacancies,  
Commission-  
ers to fill.

Proviso.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed October 26, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 1, 1871, and  
approved November 4, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XIV.

**AN ACT to change the County Line between the Counties of Scott and Fentress.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County Line between the Counties of Scott and Fentress be changed as follows: Beginning in the Scott and Fentress County line, on the north bank of the Clear Fork, at the mouth of "Caney Branch," and about two hundred poles above where J. M. Shoemaker formerly lived; thence north 45° west twenty-one miles to the extreme top of the mountain north of Rock Creek; thence along the top of said mountain north of the Scott and Fentress County line including John Draughn, Elswich Thompson, C. Blevins, Daniel Blevins, George Smith, Lewis Burk, Harmon Burk and Samuel Smith in Scott County. County lines of Scott and Fentress Cos changed.

**SEC. 2.** *Be it further enacted,* That nothing in this Act shall be so construed as to include any liners in Scott County except those mentioned in the preceding Section.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.  
Passed October 26, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 4, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XV.

**AN ACT to change the time of holding the Circuit Court of Macon County.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the Circuit Courts of Macon County shall be holden as follows: The 4th Circuit Co't of Macon Co Time of holding of

Mondays in August, December and April, and that all process issued from the last term of said Court shall be returnable to the 4th Monday in December next.

Act passed  
June 25, '70,  
repealed.

SEC. 2. *Be it further enacted*, That so much of an Act passed June 25, 1870, fixing the time for holding said Circuit Court, be and the same is hereby repealed. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed October 30, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 4, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XVI.

An Act to create and establish the county of Nashoba.

Nashoba Co.  
established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby created and established, out of the southwestern portion of Fayette and southeastern portion of Shelby counties, to be known and designated as Nashoba county.

Nashoba Co.  
Boundaries  
of.

SEC. 2. *Be it further enacted*, That the said county of Nashoba shall be bounded as follows, viz: Beginning on the north boundary line of the State of Mississippi and the south line of Shelby county, at a point dividing section fifteen and sixteen, range six, west; thence north 7° 27' east, on said section line, to a point on the old Winchester State line; thence north, 5½° east, to the center of the Raleigh and Somerville road, at a point where Fletcher's Creek crosses said road; thence eastward along the center of said road some ten miles, to a point where Cypress Creek crosses said road; thence eastwardly along the center of said creek four miles on a straight line to a point; thence south, 60° east, to a point on the old Winchester State line, ten miles east of the present dividing line between Shelby and Fayette counties; thence south 7° 27' west, to the Mississippi State line; thence twenty



miles west to the beginning, containing three hundred square miles.

SEC. 3. *Be it further enacted*, That for the purpose of organizing said county of Nashoba, the following named persons are appointed Commissioners, viz; W. Ivie, Charles Cogbill, James Graves, A. V. Warr, of Fayette county, and W. H. Walker, J. G. Moore, V. Leak, Wm. Mitchell, J. T. Allen, James Allen, D. A. Harrell, of Shelby county, who shall, before entering upon the duties herein specified, take an oath before some Justice of the Peace, faithfully and impartially to discharge their duties as commissioners, and in case of vacancy from any cause, or refusal to act on the part of any commissioner, his place shall be filled by the other commissioners, who shall elect his successor from the fraction of the county in which the vacancy occurred; the majority of said commissioners shall constitute a Board, competent to do all things enjoined upon them as such commissioners; and they shall keep a record of all their proceedings as commissioners, which shall be returned by them to the County Court of said county of Nashoba at its first session, and the same shall be recorded by the Clerk of the record of said County Court.

Commiss'rs  
appointed to  
organize Na-  
shoba co.

Commiss'rs  
majority to  
constitute  
quorum.

SEC. 4. *Be it further enacted*, That for the purpose of ascertaining the will of the people of the said fractions of the said old counties in which they reside, as to the creation of said new county of Nashoba. Said commissioners shall cause, at as early a day as practicable, an election to be opened and held in said fraction; at which election, those voting for the new county shall have written or printed on their tickets "New County," and those voting against it, "No New County," and said commissioners shall have power to appoint suitable persons to open and hold said elections, and such persons so appointed, shall have power to appoint deputies, clerks and judges, and by themselves or deputies to administer oaths, and do and perform all other duties necessary to the proper holding of said election. Said election shall be held at such times and places as may be designated by said commissioners, and upon such notice of time and place as said commissioners shall direct: *Provided, however*, that the said commissioners shall cause the polls to be opened at not less than three places in Shelby fraction, and not less than two places in the Fayette fraction.

Election to  
be held, &c.

Places of  
voting.

SEC. 5. *Be it further enacted*, That the qualified voters in either of the fractions aforesaid, composing said new

Parties to vote in fractions of old counties in which they reside. county of Nashoba, in the election provided for in section four of this Act, shall vote at the election held in and for the fraction of the old county in which he resides: *Provided*, that if there is more than one voting place in said fraction, then it shall be lawful for said voter to cast his vote at any one of said places.

SEC. 6. *Be it further enacted*, That the person appointed and holding said election, shall make return of said election to said commissioners at such time and place as they shall designate in their order directing said election to be held; and they shall receive and count the votes of each fraction, and if the requisite constitutional majority is found in favor of the new county, then said commissioners shall proceed to complete the organization of said county as hereinafter directed.

Civil dist'ts. Nashoba co. to be divided into. Proviso. SEC. 7. *Be it further enacted*, That whenever it shall be ascertained by the election aforesaid, that a constitutional majority of the qualified voters in said fractions of the old counties are in favor of the new county of Nashoba, the commissioners aforesaid shall appoint not less than three, nor more than five, suitable persons, whose duty it shall be to divide said county into civil districts of convenient size, and fix the place of voting in each district: *Provided*, the number of said districts shall not exceed four for every one hundred square miles of said new county of Nashoba.

Election for Co. officers. Returns. SEC. 8. *Be it further enacted*, That as soon as said county is laid off into civil districts, the said commissioners shall appoint suitable persons to open and hold an election in said new county for the purpose of electing officers to the various county and district offices provided by law for each county in this State; and such persons so appointed shall have full power and authority to appoint deputies, clerks and judges, and by themselves and deputies to administer all necessary oaths. and to do and perform all duties incumbent upon them as officers of an election; said election to be held at the time to be fixed by said commissioners upon the usual notice, and at the places designated in each civil district, as provided for in section 7, and make due returns thereof, as the law directs.

Commiss'rs to designate temporary county site. SEC. 9. *Be it further enacted*, That said commissioners, as soon as it is ascertained that the people in said fractions of the said old counties have voted in favor of the new county, shall designate a temporary county site for said new county, and procure a suitable building in which to hold the Courts in said county until an election by the

people can be had, for the purpose of permanently locating the county site of said county.

SEC. 10. *Be it further enacted*, That whenever said county of Nashoba is fully organized, said commissioners shall appoint a time for opening and holding an election in the various civil districts of said county, for the purpose of selecting, by a vote of the people, a permanent county site of said county, at which election each voter shall have written or printed on his ballot the name of the place at which he desires the county site; and the place receiving the largest number of votes cast shall be the county site of said new county; and said commissioners shall report the result to the County Court of said county, who shall proceed to locate said site, and to procure the erection of the necessary county buildings; said election shall be held in the manner prescribed in section 8 of this Act; and the returns of said election shall be made to said commissioners, who shall compare the vote and report, as above provided, to the County Court the result of said election.

Election for permanent county site.

Erection of Co. build'gs.

Commiss'rs to compare vote.

SEC. 11. *Be it further enacted*, That the commissioners aforesaid are hereby authorized to exercise such other and further powers as may be necessary to the complete organization of said county of Nashoba: *Provided*, the said new county of Nashoba shall not reduce the county of Bell, as established by the last Legislature, below the constitutional limits prescribed by the new constitution for the formation of new counties.

Proviso.

Bell county, boundary of not to be reduced.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed October 26, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 1, 1871, and approved November 4, 1871.

JOHN C. BROWN.

## CHAPTER XVII.

AN ACT to change the time of holding the Circuit Courts in and for the Eleventh Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts for the Eleventh Judicial Circuit of this State shall be held as

Time of  
holding Cir-  
cuit Court  
in 11th Ju-  
dicial Circuit

follows:

Wayne County—First Monday of January, May and September.

Lewis County—Second Monday of January, May and September.

Hickman County—Third Monday of January, May and September.

Perry County—Fourth Monday of January, May and September.

Decatur County—First Monday of February, June and October.

Henderson County—Second Monday of February, June and October.

McNairy County—Fourth Monday of February, June and October.

Hardin County—First Monday in March, July and November.

Recog'z'ces,  
bonds, &c.,  
to be binding

And that all recognizances and bonds for the appearance of defendants or witnesses at any other time than herein specified, shall be held good and binding against the parties, and the Clerks of the Courts are authorized to renew said recognizances and bonds to the first term of the Court held after this Act goes into effect, and all summons or other process now issued, or which may be issued, shall be returnable to and receivable at the first term of the Court held after this Act goes into effect, and the public welfare requiring it, that this Act take effect from and after the 1st day of January, 1872.

Process and  
summons re-  
turnable at  
first term of  
Court.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office, November 6, 1871, and approved by the Governor.

JOHN C. BROWN.

## CHAPTER XVIII.

AN ACT to repeal an Act entitled, "An Act to apportion the hands on public roads in Jefferson county," passed February 17, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act entitled, "An Act to apportion the hands in Jefferson county to keep up public roads," passed February 17th, 1860, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 2, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 6, 1871, and approved.

JOHN C. BROWN, *Governor.*

## CHAPTER XIX.

AN ACT to give Courts power to tax Prosecutors with Costs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any person shall commence a Criminal prosecution against any individual under any of the laws of this State, either by warrant from a Justice of the Peace or otherwise, and shall afterwards wilfully abandon the same, the Court having jurisdiction of said cause shall have power to tax the prosecutor with the costs. Prosecutors in certain cases to be taxed with the costs, &c.

SEC. 2. *Be it further enacted*, That this Act shall take effect from an after its passage, the public welfare requiring it.

Passed November 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 10, 1871, and approved November 10, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XX.

AN ACT to provide for an additional Notary Public for the 14th Civil District of Hamilton County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the 14th Civil District of Hamilton County shall be entitled to one Notary Public in addition to those now provided for said District and County, to be elected and commissioned as now provided by law for the election and qualification of Notaries Public.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it. Passed November 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office November 10, 1871, and approved November 10, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXI.

AN ACT to authorize the Election of an additional Justice of the Peace for Fayette County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an additional Justice of the Peace shall be elected by the qualified voters within the corporation of the town of La Grange, Fayette County, who shall have his office in the town of La Grange, and the Town Constable of said town is hereby authorized and empowered to open and hold an election for said Justice of the Peace by giving such notice as is now required by law.

SEC. 2. *Be it further enacted,* That the Town Constable shall compare the votes polled at said election, and shall make his return thereof to the Clerk of the County Court of Fayette County, upon whose certificate as to

the result shall be forwarded to the Governor, upon which the Governor shall issue a commission to the person so elected as Justice of the Peace who shall hold his office for the period of six years. Governor, duty of.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed November 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 10, 1871, and approved November 10, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXII.

AN ACT authorizing Railroad Companies to consolidate with each other, by a Sale of the Property and Privileges of one or more Companies to another; and providing for the issuance of Railroad Bonds after such consolidation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any Railroad Company heretofore incorporated, or hereafter to be incorporated by the laws of this State, shall have the right and power to purchase the road-bed, right of way, depots, rolling-stock, franchises and other property belonging to any other Railroad Company, or Railroad Companies, heretofore incorporated or hereafter to be incorporated by the laws of this State, the said Railroad Company thus making the purchase being invested with authority over the road or roads, whether wholly or partially finished and equipped, their property and franchises bought as aforesaid, in as full and ample a manner as if the road or roads thus purchased had constituted a part of the original property of the purchasing company under its corporate organiza- R. R. Cos., Right to purchase, &c. Authority.

Name and style of suits. tion and the legal amendments thereto, the name and style of which purchasing company is thereafter to be used in all suits, contracts, and other business growing out of the purchase and consolidation as aforesaid; but no purchase, sale or consolidation under this Act shall interfere with or divest any rights or liens held by any person or incorporation on or against any road so purchased, sold or consolidated as aforesaid.

Continuance allowed. SEC. 2. *Be it further enacted*, That in case the Railroad Company, whose corporate powers have been transferred by a sale as aforesaid, has brought suits in law or equity, or holds any claims or rights of action, excepted and reserved by the terms of said sale, the corporation may have a continuance sufficiently long for the purpose of collecting said claims and paying to or dividing the same among the stockholders or the parties entitled thereto.

Right to issue Bonds, &c. SEC. 3. *Be it further enacted*, That the company making the purchase or purchases, as aforesaid, shall have the power and authority to issue bonds for the purpose of finishing, equipping, paying for, or repairing said roads purchased as aforesaid; and for the payment of principal and interest of said bonds, the said roads, the road-bed, rolling stock, depots and other property thus purchased, all or a part as may be agreed on by the contracting parties, may be mortgaged therefor, and in addition to the security afforded by said mortgage the other property of said company is, of course, to be generally liable for the payment of the same; *Provided*, that this Act shall in no way impair any lien or mortgage or priorities of lien that the State of Tennessee has upon any of the said Railroad companies or upon the property of said companies. *Provided further*, that nothing in this Act shall prevent the State, its officers or agents, or the Commissioners for the State or their agents or attorneys, from enforcing the collection of any notes or bonds executed by any Railroad company or companies, to the State or its agents or attorneys, but all such notes, bonds, or mortgages may be enforced against all Railroad companies in this State, to the same extent and in as full and complete and speedy a manner as if this Act had not been passed, and nothing in this Act shall be construed to alter, abolish, postpone or in any manner to modify the lien which the State now has, or may hereafter have, on any railroad, its franchises and its property.

Proviso.

Collection of Notes or Bonds not to be barred.

SEC. 4. *Be it further enacted*, That the public welfare



requires that this Act shall take effect immediately on its passage.

Passed November 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 13, 1871, and approved November 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXIII.

AN ACT to amend an Act entitled, "An Act to amend an Act passed July 6, 1870, to establish a Criminal Court in the County of Montgomery," and passed January 18, 1871.

Providing that said Act be amended by striking out the second Monday in August in the first Section of said Act, so as to provide that no term of said Court shall be held at that time.

*Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed November 8, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 14, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXIV.

AN ACT to change the time of holding the Chancery Court for Lincoln.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the time of holding Court

Fayetteville, at Fayetteville, as fixed by Act of July 5, 1870, be  
Court at. and is hereby changed from the fourth Mondays of July  
and December to the first Mondays in April and October.

SEC. 2. *Be it further enacted*, That this Act take effect  
from and after the first Monday in January, 1872, the  
public welfare requiring it.

Passed November 8, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 14, 1871, and  
approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXV.

AN ACT to repeal an Act passed May the 10th, 1865, in regard to  
the Fees of Public Printer.

SECTION 1. *Be it enacted by the General Assembly of  
the State of Tennessee*, That an Act passed May the 10th,  
1865, in regard to an advance of fifty per cent. in the fees  
Public Print- of the Public Printer, be and the same is hereby repealed,  
er, in rela- and the prices for public printing shall hereafter be thirty  
tion to fees per cent. in addition to those allowed by law previous to  
of. the passage of the Act this Act is intended to repeal.

SEC. 2. *Be it further enacted*, That this Act shall take  
effect from and after its passage, the public welfare re-  
quiring it.

Passed November 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 14, 1871, and  
approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXVI.

AN ACT to change the time of holding the Criminal Court of Rutherford County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of Section 7 of an Act entitled "An Act to fix the time of holding the Circuit Courts," passed June 25, 1870, as relates to the Criminal Court of Rutherford County, be amended by striking out the word "November," and inserting the word "December," in lieu thereof; and that the Criminal Court for said Rutherford County shall in the future commence on the first Mondays of April, August and December.

Criminal  
Court of  
Rutherford  
Co., time of  
holding.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after the first day of January, 1872, and that all laws and parts of laws in conflict with the same be and they are hereby repealed.

Passed November 8, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 14, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXVII.

AN ACT to entitle Citizens of DeKalb County to sell lands belonging to the DeKalb County Agricultural and Mechanical Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John D. Bone, J. M. Baird, J. J. Ford, M. A. Wood, and John Rollings, citizens of DeKalb County, Tennessee, are hereby constituted a committee to sell and dispose of the Fair Grounds known as dispose of. the DeKalb County Agricultural and Mechanical Asso-

Fair grounds  
Comm'tee to

ciation, located at Alexandria, Tenn., to the best advantage for the benefit of the Association.

To invest  
proceeds.

SEC. 2. *Be it further enacted*, That said Committee or Commissioners, are instructed to invest the proceeds of said sale in other and more suitable grounds for the use of said Association in the vicinity of Alexandria, DeKalb County, Tennessee.

Committee,  
power of.

SEC. 3. *Be it further enacted*, That the above named committee are hereby empowered and directed to take charge of all the property belonging to said Agricultural and Mechanical Association, and hold it subject to the order of said Association.

State's lien  
not relin-  
quished.

SEC. 4. *Be it further enacted*, That nothing contained in this Act shall be construed to relinquish the lien which the State reserves upon any and all grounds which the De Kalb County Agricultural and Mechanical Association may purchase with the funds arising from the sale of the Fair Grounds, as herein authorized, and that when the grounds so purchased shall cease to be so used, or shall be diverted to other uses than those herein prescribed, then the same shall revert to the State, and that this Act take effect from and after its passage.

Passed November 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 20, 1871, and approved November 22, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXVIII.

AN ACT to repeal an Act entitled, "An Act to abolish the Chancery Court at Madisonville, Monroe county, Tennessee," and to re-establish said Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act entitled, "An Act to abolish the Chancery Court of Madisonville, Monroe county, Tennessee," passed January 24, 1871, be and the same is hereby repealed.

Act repealed

SEC. 2. *Be it further enacted*, That the Chancery Court at Madisonville, Monroe county, be and the same is hereby re-established, and said county shall hereafter be a separate Chancery District, and be and the same is hereby attached to the Third Chancery Division. Chan. Cour  
at Madison-  
ville re-es-  
tablished.

SEC. 3. *Be it further enacted*, That said Chancery Court shall be held on the third Mondays of April and October, and all writs, process and precepts heretofore issued from the Chancery Court at Athens, Tennessee, in causes within the jurisdiction of the Court hereby established, shall be and are hereby made returnable to the next regular term of the Chancery Court at Madisonville. Time of  
holding.  
  
Writs, &c.,  
when return-  
able.

SEC. 4. *Be it further enacted*, That all causes within the jurisdiction of the Court established by this Act, which are now pending in the Chancery Court at Athens, Tennessee, shall be and the same are hereby transferred to the Chancery Court at Madisonville, and shall stand in said Court in the same plight and condition, and be proceeded with in the same manner as they do and would be in said Chancery Court at Athens. Causes trans-  
ferred.

SEC. 5. *Be it further enacted*, That all property, papers, records and books, including the book containing the record of so much of the proceedings of the May Term, 1871, of the Chancery Court at Athens, as were had in causes within the jurisdiction of the Court established by this Act, which belonged to the former Chancery Court at Madisonville, and also those which pertain to causes originating within the jurisdiction of said Court since its abolishment, shall be transferred to the Chancery Court at Madisonville; but such transfer shall not be made until after the Chancellor of said Third Chancery Division shall have appointed a Clerk and Master for said Chancery Court at Madisonville, nor until said appointee shall have duly qualified by giving a bond as Clerk and Master of said Court in the manner and form as required by law, with good and sufficient security, to be approved by said Chancellor. Upon the execution and approval of said bond, the Chancellor shall direct the Clerk and Master of the Chancery Court, at Athens, to turn over and transfer to said appointee all the said property, papers and records, &c., as required by the first part of this section. Books, pa-  
pers, &c., to  
be transfer'd  
to Court at  
Madisonville.  
  
Clerk and  
Master.

SEC. 6. *Be it further enacted*, That until a Clerk and Master of the Chancery Court at Madisonville shall be appointed and qualified in the manner as required in the fifth section of this Act, the Clerk and Master of the C. and M. at  
Athens to  
continue to  
perform du-  
ties, &c.

Chancery Court at Athens, shall continue to perform the duties of Clerk and Master necessary in all causes belonging to the Court hereby established.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 22, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and approved November 23, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXIX.

AN ACT to cede the West Tennessee Division Fair Grounds to Commissioners for the use and benefit of the West Tennessee Agricultural and Mechanical Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lands, together with the fixtures and improvements thereon, now used and controlled by the Mechanical and Agricultural Association of West Tennessee, at Jackson, Tennessee, are hereby ceded to said Mechanical and Agricultural Association, and James O'Conner, Wm. S. Robertson, John Tomlinson, Martin Cartnall, Martin Exum, E. H. Kelly, Robt. H. Chester, Robert B. Hurt and Ambrose Read, are hereby appointed Commissioners of said society; and, if, in their opinion, it is necessary and expedient, they may sell said lands and fair grounds, and with the proceeds of sale purchase other lands for the use of said Agricultural and Mechanical Association, and may make the necessary improvements thereon: *Provided*, that if said lands are at any time diverted from the uses and purposes herein indicated, then the same, with all improvements thereon, shall revert and belong to the State of Tennessee.

SEC. 2. *Be it further enacted*, That this Act take effect

Lands of Mechanical and Agricultural Association of W. Tennessee ceded,

Commiss'rs appointed.

Proviso.

from and after its passage, the public welfare requiring it.

Passed November 17, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and  
approved November 13, 1871.

JOHN B. BROWN, *Governor.*

## CHAPTER XXX.

AN ACT for the protection of Fair Grounds in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be unlawful for any person to sell any spirituous or vinous liquors, or any other intoxicating drinks within one half mile of the inclosure around the fair grounds of any Agricultural or Mechanical Association or Society in this State during the time of holding the fairs of said society: *Provided,* the consent to sell said liquors has not first been had and obtained from the board of directors of that association or society: *And provided further,* That this Act shall not apply to any regularly licensed liquor dealers doing business at his regular place of business, within the distance above specified. Liquor not to be sold, &c.  
Proviso.  
Not to apply to licensed liquor dealers.

SEC. 2. *Be it further enacted,* That whoever shall be guilty of a violation of the first section of this Act, shall, on conviction, be fined not less than fifty, nor more than two hundred dollars, and suffer imprisonment in the county jail for a period of not less than one nor more than three months at the discretion of the Court. Violation, penalty of a

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed November 16, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and  
approved November 23, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXI.

AN ACT to repeal an Act passed June 16, 1870, approved June 24, 1870, entitled, "An Act to suppress hunting or killing deer with dogs or guns, and of netting or seining of fish," &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed June 16, 1870, approved June 24, 1870, entitled, "An Act to suppress hunting or killing deer with dogs or guns, and of netting or seining of fish in the counties of Benton and Humphreys be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed November 17, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 23, 1871. and approved November 23, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXII.

AN ACT to provide for the cancellation of bonds, and to repeal certain provisions of section 3 of an Act passed January 20, 1870, entitled, "An Act for the payment of the State debt."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 2d of the Act of the 20th of January, 1870, be so amended as that all the bonds and coupons of the State of Tennessee, retired by railroads under the various Acts of the General Assembly of the State, or which have been paid to the Comptroller by the purchasers of delinquent railroads, or that may have come into the hands of the Comptroller from any source, shall be mutilated by a punch or perforation through the face of said bonds and coupons, which mutilation shall be notice to all the world that said bonds and coupons are worthless for all purposes except to the State of Tennessee in establishing and enforcing any liens

Bonds, certain, to be cancelled.

How.



which the State may have acquired by the issuance of its bonds in aid of railroads.

SEC. 2. *Be it further enacted*, That a committee of five <sup>Committee</sup> on the part of the House, and three on the part of the <sup>to cancel</sup> Senate, be appointed to carry out the provisions of the first section of this Act.

SEC. 3. *Be it further enacted*, That any bonds which may be received by the Comptroller, after the discharge of the committee provided for in the preceding section of this Act, shall be, when received, mutilated as provided for in the first section of this Act, by the Comptroller, <sup>Governor, Comptroller, and Secretary of State to cancel.</sup> Secretary of State and Treasurer, in the presence of the Governor.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed November 17, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 23, 1861, and approved November 23, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXIII.

AN ACT to change the county line between the counties of Hardin and Decatur.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Hardin and Decatur be so changed as to detach all that part of territory known as the "Eagle Nest Island," in the Tennessee River, from Hardin county, <sup>Hardin and Decatur, lines of</sup> and attach the same to Decatur county, and make the low <sup>changed;</sup> water mark on the east side of Eagle Nest Island the county line between Hardin and Decatur counties, so as to include all the territory in said island in Decatur county.

SEC. 2. *Be it further enacted*, That so much of the <sup>Land of Wm White attached to</sup> lands as now lie in Decatur county, and adjoining the county of Hardin, and belonging to William White, be <sup>White co.</sup>

and the same are hereby detached from Decatur and added to the county of Hardin.

SEC. 3. *Be it further enacted*, That this Act take effect from and after the 1st of January, 1872, the public welfare requiring it.

Passed November 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and approved November 23, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXIV.

An Act to change the county line between the counties of Bedford and Rutherford.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Bedford and Rutherford, be so changed that hereafter the lands of S. H. Thomas and E. H. Hale, on which they now reside, in Bedford county, shall be included in Rutherford county, and hereafter said county line shall run as follows: Beginning in the county line near said S. H. Thomas's southeast corner; thence west with said Thomas's line to his southwest corner, in Eliza Frazier's line; thence with said Frazier's and Thomas's line to E. H. Hale's southeast corner; thence west with said Hale's and Frazier's line to B. F. Ransom's south boundary line; thence east to said Ransom's southeast corner; thence north with the line between Ransom's and Hale's, to the county line.

Bedford and  
Rutherford  
Co., lines of  
changed.

Boundaries.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed November 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and approved November 23, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXV.

AN ACT to authorize Wm. R. Brown, W. C. Willis and E. Wilhoite to sell a lot of land in Civil District No. 10, Greene county, or school purposes.

WHEREAS, The Commissioners of Common Schools in Civil District No. 10, Greene county, some years ago purchased a lot of land for school purposes, known as the "Wright School House Lot," upon which there was erected a school house, and used for school purposes, and

WHEREAS, Said school house has been removed, and the probability is that said lot of land, being inconveniently situated for that purpose, will never again be used for school purposes. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. R. Brown, W. C. Willis and E. Wilhoite, Commissioners of Common Schools, for said Civil District, No. 10, Greene county, be and are hereby authorized and empowered to sell said lot of land to the highest bidder, after giving notice as required by law, and they shall devote the proceeds of said sale to school purposes in said civil district, after defraying all necessary expenses. Commiss'er to sell land.

SEC. 2. *Be it further enacted*, That said Commissioners are hereby empowered to make deed, as School Commissioners, to the purchaser, and put him in possession of said land, and that this Act shall take effect from and after its passage, the public welfare requiring it. Powers of Commiss'rs.

Passed November 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and approved.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXVI.

AN ACT to continue the existence of certain dams in the North Fork of the Holston River.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all dams in the North Fork of the Holston River, above the site of Ross's Bridge, in the county of Hawkins, erected for manufacturing purposes, be and are hereby continued and declared to be lawful: *Provided*, such dams do not prohibit the navigation of said river.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 15, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and approved November 23, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXVII.

AN ACT to enable the Railroad Commissioners for the State for the sale of delinquent railroads to perfect their sales, and place the purchasers in possession.

WHEREAS, The Commissioners are hindered to some degree in the final consummation of one or more of their contracts of sale by reason of litigation on the part of adverse claimants, and

WHEREAS, In one or more instances of sale the option is reserved to the purchaser or purchasers of taking the interests of the State in the road contracted to be purchased by him or them; and

WHEREAS, It is manifestly to the interest of the State that the work entrusted to the said Commissioners should be completed at the earliest day practicable. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That with the view of removing

all embarrassments, and facilitating the accomplishment of the purposes above indicated, the said Commissioners, viz: the Hons. Robert J. McKinney, Francis B. Fogg, Archibald Wright, the Governor, the Comptroller, and the Secretary of State, or a legal quorum of their number, be and they are hereby authorized and fully empowered to make and carry into full effect, on the part of the State, any settlement or adjustment with parties litigant adversely to the State that to them may seem equitable between the parties and advantageous to the interest of the State.

R. R. Commissioners,  
powers of

SEC. 2. *Be it further enacted*, That in the event the purchaser or purchasers in any of the sales so made by the Commissioners, in which was reserved to him or them the option of taking the State's interest, should elect to take the interest of the State, then said sale is hereby ratified, sanctioned and confirmed; and said Commissioners are hereby authorized and fully empowered to place the said purchaser or purchasers in full possession of said road so purchased, and all its appurtenances, in the manner provided for in sections 1 and 2 of an Act passed July 5, 1870, entitled, "An Act authorizing the sale and transfer of the interest of the State in delinquent railroad companies," any Act or Acts with regard to the qualification or appointment of Receivers, to the contrary notwithstanding.

Acts of, ratified.

SEC. 3. *Be it further enacted*, That in any instance where the said Commissioners, including specially the Governor, Comptroller, and Secretary of State, may have contracted to sell the railroad track, railing, rolling stock, &c., of any railroad company, which, for two consecutive years prior to said sale, may have failed to pay the interest accrued upon the bonds loaned to it by the State, and which may have accepted aid from the State under an Act passed December 7, 1867, entitled "An Act to amend the Internal Improvement Laws of the State," passed February 11, 1852, in such case the sale so made shall be valid and operative as against the State, and said company, to all intents and purposes, to transfer (without warranty of title to the interests of said company) said railroad track, railing, rolling stock, &c., to the purchaser or purchasers in said sale.

Acts of Commissioners,  
&c., valid as  
to State.

SEC. 4. *Be it further enacted*, That upon the consummation of the sale of any railroad, or the State's interest therein, that may have been leased by Act of the General Assembly, with the reserved right to the State to termi-

In certain cases, lease to terminate. nate the same, then the said lease shall instantly terminate, and the State be no further liable for any expenditures by the lessee upon said railroad, nor for any further losses resulting thereafter from the operation of the same.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 16, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 23, 1871, and approved November 24, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER XXXVIII.

AN ACT to provide for the filling of vacancies in the Legislature.

Vacancies,  
to provide  
the filling of

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the authority now vested in the Executive of the State to issue writs of election, if any member elected to either branch of the Legislature shall die before the assembling of the same, it shall be the duty of the sheriff of the county in which the deceased may have resided, to certify the fact of such death immediately to the Governor, and upon the reception of such certificate, the Governor is hereby authorized to issue his writ of election to fill said vacancy, and the public welfare requires that this Act shall take effect from and after its passage.

Passed November 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 28, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XXXIX.

AN ACT to amend the Criminal Laws of the State of Tennessee, and to make the breaking and entering into the business house, out house, or any other house of another, other than a mansion house, with intent to commit a felony, a felony.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whoever shall break and enter into the business house, out house, or any other house of another, other than a mansion house, with intent to commit a felony, shall be imprisoned in the Penitentiary not less than three nor more than fifteen years. House breaking.

Passed November 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 28, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XL.

AN ACT to amend an Act entitled, "An Act to authorize the Chancery Courts in this State to grant letters of incorporation, passed January 30, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 9 of the Act of 1870-1871, chapter LIV, approved January 30, 1871, be so amended as to authorize the Chancery Courts to grant letters of incorporation to any Grand or Subordinate Lodge of Free and Accepted Masons or of the Independent Order of Odd Fellows. Act app'ved Jan. 3, 1871, amended.

SEC. 2. *Be it further enacted*, That when any institution of learning, church, religious or charitable institutions, lodge of Masons or Odd Fellows, shall apply to any of the Chancery Courts of this State for letters of incorporation, no State or county tax shall be charged or collected in such case, nor shall it be necessary for publication to be made in any newspaper to give notice of such No tax on charitable institutions, when incorporated. Publications not required

application ; but on the filing of a petition by any number of persons asking for letters of incorporation for any institution of learning, church, religious or charitable institutions, or lodge of Masons or Odd Fellows, the Clerk and Master of said Court shall advertise in writing at the Court-house door, and at four other public places in the county where such incorporation is to be located, for thirty days, and the same shall be deemed full and sufficient notice to all persons of said application.

SEC. 3. *Be it further enacted*, That when application shall have been made as above provided, the Chancellor shall hear and determine the same at the first term of the Court thereafter, and grant the letters of incorporation if in his judgment a proper case is made out.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed November 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 29, 1871, and approved December 1, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XLI.

### AN ACT to increase the Fees of Registers.

Registers,  
fees of, in-  
creased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Registers of each county in this State be entitled to demand and receive the following fees and none other: For each Deed, Bond, or other assurance of title, not exceeding five hundred words, purporting to convey one lot or tract of ground \$1 ; for every additional tract or lot in same deed, 25 cents ; for every one hundred words over five hundred, 10 cents ; for every other instrument of whatever kind or character required by law to be registered, or which any party may desire to have registered, for the first three hundred words or less 75 cents ; for every additional hundred words, 10 cents ; for each certificate attached to



any instrument, 25 cents; for certified copies of any instrument, the same fees as for registering.

SEC. 2. *Be it further enacted*, That all laws in conflict with this Act be and the same are hereby repealed. Acts in conflict, repeal'd

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 25, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,

*Governor.*

## CHAPTER XLII.

AN ACT to confer certain powers on the Judge or Chairman of the County Courts in cases where the Clerks of said County Courts are incompetent to do and perform said acts or things.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in future in all cases arising where the Clerk of any County Court in this State is incompetent because of interest or relationship, in his official capacity to do or perform any official act required to be done by law by said County Court Clerks, that it shall be lawful, and is hereby made the duty of the Judge or Chairman of the County Court as the case may be, of the County to do and perform said act; *Provided*, however, that when the Clerk is incompetent to take and state any account, the same shall be taken and stated by a Special Commissioner, to be appointed by the Court as now provided by law. Judges of Co. Courts, duty of. Proviso.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed November 25, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,

*Governor.*

## CHAPTER XLIII.

AN ACT making persons of the age of 21 years eligible to Office under Corporations.

Persons 21 years of age made eligible to hold corporation offices.

SECTION 1. *Be it by enacted the General Assembly of the State of Tennessee,* That no municipal or other corporation shall have, make, or continue in force any rule, law, by-law, or regulation whereby any person otherwise eligible under the laws of the State to any office under such corporation shall be ineligible on account of age, provided such person shall have attained his majority.

Laws in conflict repealed

SEC. 2. *Be it further enacted,* That all laws in conflict with this Act, be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed November 24, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XLIV.

AN ACT to amend an Act entitled an Act to change the mode of appointing Receivers on delinquent Railroads in this State, passed 26th October, 1869.

Presidents of delinquent R. Rs. not necessarily to be app'nted Receiver.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the Act passed 26th October, 1869, entitled an Act to change the mode of appointing Receivers on delinquent Railroads in the State as requires the Governor to appoint the President of the delinquent road Receiver thereof, is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 28, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and  
approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XLV.

**AN ACT** to allow an additional Justice of the Peace for the Incorporated Town of New Middleton, Smith County.

SECTION 1. *Be it enacted by the General Assembly of* New Middleton allowed  
*the State of Tennessee*, That the town of New Middleton, additional  
in Smith County, be allowed to elect an additional J. P.  
Justice of the Peace.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 28, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and  
approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XLVI.

AN ACT for the Protection of Persons and Property upon Railroads.

R. R. En-  
gines to be  
brought to  
full stop at  
crossings, &c  
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be a misdemeanor for the Engineer or other employe of any Railroad Company to cross the track of any other railroad in this State with an engine or train without first coming to a full stop.

Failure to do  
so an indict-  
able offense.  
SEC. 2. *Be it further enacted*, That a violation of the first Section of this Act shall subject the offender to indictment or presentment in any Court having jurisdiction thereof, and upon conviction he shall be fined not less [than] fifty (50) dollars, nor more than one hundred (100) dollars, and imprisoned in the County Jail not less than one month nor more than six months, or both at the discretion of the jury trying the same.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed November 25, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,

*Speaker of the Senate.*  
Received at Executive Office December 2, 1871, and  
approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XLVII.

AN ACT for the benefit of B. F. Champe.

WHEREAS, G. A. Washington, late President of the Edgefield and Kentucky Railroad, in adjusting his accounts with the Comptroller on the 2nd inst., inadvertently omitted expense bills against his administration in favor of B. F. Champe, for the sum of one hundred and twenty dollars and five cents, and

WHEREAS, The Comptroller admits the claim to be

just, but has no authority under the law to refund said amount; therefore

*Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller be and he is hereby authorized to direct the State Treasurer to refund to the said B. F. Champe the sum of one hundred and twenty dollars and five cents, and in the same kind of currency received from the said Washington.

Passed November 27, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN.  
*Governor.*

## CHAPTER XLVIII.

AN ACT to amend an Act passed February 1, 1871, entitled "An Act to confer Criminal Jurisdiction on the County Court of Hamilton County, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter LXXXII of the Acts of 1870-71, approved February 2, 1871, to confer Criminal Jurisdiction on the County Court of Hamilton County, be and the same is hereby repealed, and all criminal causes now pending in said County Court of Hamilton County are hereby transferred to the Circuit Court of Hamilton County.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Clerk of the County Court of Hamilton County to make out a transcript of the record in all the criminal causes pending in said Court and transmit the same together with original papers to the Clerk of the Circuit Court of Hamilton County, and the fees for the said transcript shall be taxed in the bill of costs respectively.

SEC. 3. *Be it further enacted,* That in cases where bonds have been taken, requiring parties to appear in said County Court of Hamilton, the Clerk of said Court

Criminal jurisdiction transferred to Cir. Court.

Co. Court Cl'k of Hamilton County, duty of.

Appearance bonds to be renewed.

is hereby authorized to renew said bonds and require said parties to appear at the Circuit Court of Hamilton County, upon the first day of its next term.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed November 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XLIX.

AN ACT to amend Section 4434, of the Code of Tennessee, Article VIII., and to confer authority upon Judges of the Criminal Courts to grant extraordinary process.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4434, of the Code of Tennessee, be so amended as to read "Injunctions, Attachments, Writs of *ne-exeat*, and other extraordinary process are granted by the Chancellors, Circuit Judges, and Judges of Criminal and Special Courts.

Code, Sec-  
tion 4434 of,  
amended.

Passed November 25, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER L.

AN ACT to extend the powers of Sheriffs in the execution of Criminal Process.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hererafter when the Sheriff or Officers may Deputy Sheriff, Constable, Coroner, or any other officer of make arrests any county in this State shall have in his hands a warrant in any county or capias for the arrest of any person charged with the in the State. commission of a crime, it shall be lawful for the Sheriff, Deputy Sheriff, Constable, Coroner, or any other officer, to execute such process, and arrest the person so charged in any county in this State.

Passed November 27, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office December 5, 1871, and approved December 5, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LI.

AN ACT to amend Section 2307 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2307 of the Code, which provides for the enforcement of the payment of the balance found against a personal representative in settlement with the County Court Clerk, be so amended as to read as follows: After the settlement of any administrator's or executor's account, the County Court shall compel the representative to pay into the office of the Clerk the balance found against him, and may, on motion of the Clerk or any distributee, after twenty days' notice to

Code, Section 2307 of, amended.

In default of such representative, award summarily an execution against such representative and his securities for the amount of such balance, as in case of a judgment at law, and when any specific thing is to be done, the County Court shall compel the representative, by an order, to perform it, and by process of contempt in case of refusal.

Passed November 27, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office December 5, 1871, and approved December 5, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LII.

AN ACT to allow the Incorporated town of Monroe, in Overton County, to elect an additional Justice of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the incorporated town of Monroe be and the same is hereby allowed an additional Justice of the Peace, with the power and jurisdiction of like officers in this State, to be elected by the qualified voters within the limits of said incorporated town of Monroe.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed November 29, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 5, 1871, and approved December 5, 1871.

JOHN C. BROWN,  
*Governor.*



## CHAPTER LIII.

AN ACT to allow a Notary Public to the town of Milan, Gibson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Gibson County is hereby authorized and empowered to appoint a Notary Public in Civil District No. 13, who shall reside in the town of Milan; and said Notary Public shall hold his office for the term of four years, with succession, and he shall have all the powers and perform all the duties of other Notaries Public and be governed by the general laws of this State regarding Notaries Public, and the public welfare requiring it, this Act shall take effect from and after its passage.

Town of  
Milan all w'd  
a Notary  
Public.

Passed November 25, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office December 5, 1871, and  
approved December 6, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LIV.

AN ACT to modify an Act approved July 8, 1870, entitled "An Act to establish the Criminal Court of Knox County, and also to create the office of District Attorney for the District of Knox.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the style of "the Criminal Court of Knox County," be and the same is hereby changed to "The Criminal Court for the District of Knox," which District is hereby created and declared to be co-extensive with the County of Knox.

Criminal  
Court of  
Knox Co.,  
style of  
changed.

SEC. 2. *Be it further enacted*, That the office of Dis-

Office of District Attorney for the said District of Knox is hereby created, which officer, when appointed or elected, shall be the Attorney General for the State, in and for said District, and as such shall be subject to the same qualifications, perform all such duties, and have all such rights as by law are now required of or appertain to Attorneys for the State in other districts or circuits of criminal jurisdiction in this State, and the said office, as herein created, being now vacant, shall be filled by Executive appointment until the next biennial election for civil officers, on the first Thursday in August, 1872, at which time an Attorney for the State shall be chosen by the qualified voters of said District.

Powers and duties of.

Appointment and election of, &c.

SEC. 3. *Be it further enacted*, That as compensation for his services, the said District Attorney shall receive the sum of twelve hundred dollars, to be paid out of the Treasury of Knox County, in the same manner as the salary of the Judge of the Criminal Court for the District of Knox County is paid. The said sum shall be in lieu of all fees allowed by law for such services to Attorneys for the State, but the said fees shall be taxed and collected as now provided by law, and shall inure to the said County of Knox, or should the County Court of said County of Knox, at its first quarterly session after the passage of this Act, determine not to allow the payment of the said salary of twelve hundred dollars, as hereinbefore provided, then the said District Attorney for the District of Knox shall be entitled to collect and receive for his services the same fees now allowed by law to other District Attorneys, or Attorneys for the State.

Compensation of to be paid by Co.

If not, fees allowed, &c.

SEC. 4. *Be it further enacted*, That so much of Section 8 of an Act approved July 8, 1870, entitled "An Act to establish the Criminal Court of Knox County, as provides that the Attorney for the State of the Third Judicial Circuit shall perform the duties of Attorney for the State in said Criminal Court, and all other parts of said Act in conflict herewith be and the same are hereby repealed, and the said Attorney for the State of the Third Judicial Circuit is hereby directed to deliver to the District Attorney for the District of Knox, when appointed or elected and qualified, all documents and papers properly belonging to the said Criminal Court, that may be in his possession. But nothing in this Act shall be so construed as to otherwise impair or interfere with the present jurisdiction or organization of the said Criminal

Certain Acts repealed.

Documents, papers, &c.

This Act not to interfere with present jurisdiction of Criminal Court, &c.

Court whose powers as now organized are hereby re-affirmed.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 7, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office December 7, 1871, and approved December 8, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LV.

AN ACT to allow Railroad Companies chartered in other States to connect with Railroads in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any Railroad of another State shall intersect the line of the State of Tennessee at a point within five miles of any railroad in this State, such road or roads of other States are hereby granted the right of way from such point of intersection to any point on the line of the road in this State, provided that such point of connection between the roads shall not be more than five miles distant from the State line.

Right of way  
granted cer-  
tain R. R's.

SEC. 2. *Be it further enacted*, That this Act shall not be construed so as to interfere with any right or privilege now existing in favor of any Railroad Company in this State; and the right of way granted in the first Section of this Act shall only be enjoyed in accordance with and subject to the provisions of Section 15, Sub-section 8 of the Act passed January 26, 1871, entitled, An Act to authorize the Chancery Courts in this State to grant letters of incorporation and subject to all laws of the State in reference to the right of way.

Construction  
of, &c.

SEC. 3. *Be it further enacted*, That this Act take effect

from and after its passage, the public welfare requiring it.  
Passed November 28, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and  
approved December 7, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LVI.

AN ACT to amend Article III., Chapter 2, Part 4, of the Code of  
Tennessee in regard to offenses against females.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Article III., Chapter 2, Part 4 of the Code be so amended that Section 4611, of the Article and Chapter aforesaid shall read, That whoever is convicted of the of rape any female shall suffer death by hanging; *Provided*, The jury before whom the offender is tried and convicted, may, if they think proper, commute the punishment for the offense to imprisonment in the Penitentiary for life, or for a period of not less than ten years.

Code amend-  
ed in refer-  
ence to rape,  
&c.

Proviso.

SEC. 2. *Be it further enacted*, That Sections 4612, 4613, and 4614 of the Article and Chapter aforesaid, be so amended as that the punishment for the offenses enumerated in said Sections shall be the same as that provided in the first Section of this Act.

Secs. 4612,  
4613 & 4614  
amended.

Other sect'ns  
amended.

Proviso.

SEC. 3. *Be it further enacted*, That Sections 4615, 4616, 4617 and 4618, of the Article and Chapter aforesaid, be so amended as that the punishment for the offenses therein enumerated, shall hereafter be imprisonment in the Penitentiary for a period not less than ten nor more than twenty-one years; *Provided*, That nothing in this Act shall be so construed as repealing the laws now in force for the punishing of the offenses mentioned in this Act, but all persons who have heretofore committed any of the offenses mentioned in this Act shall be tried under the

existing laws, and if convicted shall be punished as now prescribed by law.

Passed December 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office, December 7, 1871, and  
approved December 8, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LVII.

AN ACT to repeal Section 6 of an Act entitled, An Act to establish the Tennessee Agricultural College, passed January 16, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of Section 6 of an Act entitled, "An Act to establish the Tennessee Agricultural College," passed January 16, 1869, as reads, 16, 1869, "and preference being given first to the children of deceased Federal soldiers; second, to children of those who lost their lives on account of their loyalty," be and the same is hereby repealed. Act of Jan'y 16, 1869, amended.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed. Acts in conflict repeal'd.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 5, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 9, 1871, and  
approved December 9, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LVIII.

AN ACT to require the County Surveyor and Entry-taker to keep the Record Books of his office at the County Site.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Surveyor and Entry-taker of each county be required to keep the Records, &c. to be kept at County site. records of his office at the County site of his county.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed December 4, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 9, 1871, and approved December 9, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LIX.

AN ACT to allow time to give appeal bonds or file pauper oaths in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases in the inferior Courts of this State, wherein an appeal to the Supreme Court may hereafter be prayed and granted upon the terms now imposed by law, and the party appealing is a resident of another county or State, or is unable by reason of physical inability to be present, the Court granting said appeal may, in its discretion, allow the appellant time, in no case exceeding thirty days, in which to give bonds or file the paupers oath for the prosecution of said appeal, and such appeal bond approved by the Clerk of the Court from which the appeal is taken, or the pauper oath filed with said Clerk, within the time allowed by the Court, shall render said appeal as effectual as if done

Appeal b'ds,  
time allowed  
to file in cer-  
tain cases.

as now required by law, during the term of the Court at which the judgment appealed from was rendered.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after the first day of January, 1872, the public welfare requiring it.

Passed December 5, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 9, 1871, and approved December 9, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LX.

AN ACT to alter and amend Section 4639 of the Code, which prescribes the punishment for the offenses enumerated in Section 4638.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4639 of the Code be so altered and amended as to read as follows: "If any person be killed by any accident occasioned by either of the offence enumerated in section 4638 of the Code, the offender shall be deemed guilty of a felony, and shall suffer death by hanging." Code, sect'n 4639 amended.

Passed December 4, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 9, 1871, and approved November 9, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXI.

AN ACT to establish the county line between the counties of Carter and Sullivan.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. A. Faw, E. F. Akard, and John Hardin, of Washington county, one of whom at least shall be a competent surveyor, be and they are hereby appointed Commissioners, whose duty it shall be, after taking an oath before some Justice of the Peace, faithfully to perform the duties herein prescribed, to proceed to examine the proper records, take testimony, and other means necessary to ascertain the true and original corner of Carter and Sullivan counties, near the residence of the Widow Humphreys, and then to survey and mark the line between said counties according to the original organization from the said corner to the top of Holston Mountain.

SEC. 2. *Be it further enacted*, That said Commissioners, after performing their said duties, shall make full report of the same to the County Courts of both Carter and Sullivan counties, and the said counties shall have the same entered of record, and the same shall be established as the boundary line between said counties, and so held and respected both in law and equity.

SEC. 3. *Be it further enacted*, That the said Commissioners shall be paid a reasonable compensation for their services by the counties of Carter and Sullivan, to be ascertained by the County Courts of each of said counties.

SEC. 4. *Be it further enacted*, That all laws and parts of laws inconsistent with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed December 5, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 9, 1871, and approved December 9, 1871.

JOHN C. BROWN, *Governor.*

Commiss'ers  
appointed to  
ascertain ex-  
act corners  
of Carter and  
Sullivan  
counties.

To make re-  
port, which  
shall be en-  
tered of re-  
cord.

Compensa'n

Acts in con-  
flict repealed



## CHAPTER LXII.

AN ACT to relieve from a License Tax the Stables kept by Hotel or Tavern-keepers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hotel or Tavern-keepers shall not hereafter be required to pay any license tax upon any stable or stall therein kept by them unless such stable is kept by them as a Livery Stable.

Passed December 8, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 11, 1871, and approved December 11, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXIII.

AN ACT to authorize Municipal Corporations to change the time of holding their Elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it may be lawful for the legislative authority of any Municipal corporation in this State, at any regular session to change, by ordinance or enactment, the time of holding the election for Mayor and Aldermen and other elective officers in said corporation: *Provided* that such change shall not in any event postpone the time of election more than forty days, and *provided further*, that no compensation shall be allowed to or drawn by any Mayor or Alderman or Councilman for the time over which their term of office may be extended by such change; and *provided further*, that such change shall be made at least ten days before the time established for the election, and not oftener than once in five years.

Corporations may change the time of holding elections.

Proviso.

Compensation, &c.

Proviso.

SEC. 2. *Be it further enacted*, That no corporation in this State shall prohibit persons of the age of twenty-one years from holding office under their charters; *Provided*, said persons are otherwise eligible to said offices under the laws of this State.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 8, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 11, 1871, and approved December 11, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXIV.

AN ACT to Exempt Certain Church Property from Taxation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all real estate owned by any Christian denomination as a parsonage, be and the same is hereby exempted from taxation, either State, County, or Corporation.

SEC. 2. *Be it further enacted*, That all laws conflicting (with) this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed December 5, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 11, 1871, and approved December 11, 1871.

JOHN B. BROWN, *Governor.*

## CHAPTER LXV.

AN ACT to amend An Act passed February 9, 1870, so as to make said Act apply to and include cases of unlawful detainer, and to prescribe the manner in which the plaintiff is to be restored to possession in cases of unlawful detainer, and to regulate the manner in which appeals are to be taken by defendants in cases of unlawful detainer.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed February 9, 1870, which prescribes the manner in which the plaintiff is to be restored to possession in cases of forcible entry and detainer, and forcible detainer, and which also regulates the manner of taking an appeal in said cases, be so amended as to include cases of unlawful detainer hereafter brought. Forcible and unlawful detainer.

Passed November 25, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 11, 1871, and approved December 11, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXVI.

AN ACT for the benefit of Agricultural and Mechanical Societies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That to promote the Agricultural and Mechanical interests of the State, the various Agricultural and Mechanical Societies now organized and in operation, or that may hereafter be organized, are hereby authorized and empowered to make distribution of prizes or premiums under the direction of a Board of Managers at such time and at such places, in their respective counties, as the said Board of Managers may designate. Agricultural and Mechanical Societies may distribute prizes.

SEC. 2. *Be it further enacted*, That said Boards of Managers shall be annually elected by the Directors of their Directors, election of and No. of.

respective Societies, and shall consist of at least three and not more than five members, and this Act take effect from and after its passage, the public welfare requiring it.

Passed December 8, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 11, 1871, and approved December 11, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXVII.

AN ACT to authorize Semi-Annual Sales of Land for taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 620 of the Code (which fixes the time and place of sales of lands for taxes) be so amended as to read as follows: The sale shall be made at the Court House of the County in which the lands lie, on the first Mondays of July and January and next succeeding day or days if necessary every year.

Sales of land  
to be made  
at Court  
House.

Passed December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 12, 1871, and approved December 12, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXVIII.

AN ACT to provide for the collection of all Taxes that are a lien upon Real Estate sold under a decree of any Court in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever real estate is sold under a decree of any Court in the State, it shall be the duty of the Judge of said Court, before the sale is confirmed to the purchaser, to have a reference made to the Clerk or Clerk and Master, to ascertain if upon the day of sale, there were any taxes due and unpaid which were a lien upon said real estate; and if it is found that there were taxes that were a lien upon the real estate, upon the day of sale, a decree shall be entered in the cause stating the amount of the taxes and directing the Clerk and Master or Clerk to pay said taxes out of the first money collected from the sale of the said real estate.

*In case land sales under decree of Court, reference to be made to ascertain if there are any back taxes due.*

Passed December 9, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 12, 1871, and approved December 12, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXIX.

AN ACT granting certain powers to existing Railroad Corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every existing Railroad corporation in this State, whether created under a general or special law, shall have the right and the power to acquire by purchase, or other lawful contract, and have, hold, use and operate any railroad with its franchises belonging to any other railroad corporation; and likewise to have, hold, use and operate any such railroad with its franchises which it may have heretofore purchased or acquired; and also the power to borrow money and to issue its

*Railroads may purchase and operate other roads.*  
*May money bonds,*

May consol-  
idate.

bonds therefor, or for any other indebtedness or liability which it may incur or have incurred in the exercise of its lawful purposes, and to secure the payment of such bonds, with the interest thereon, by a mortgage of the whole, or any part of its railroad and equipments and other property and franchises, containing such provisions as its Directors shall approve; and also the power to consolidate itself with any other Railroad corporation whose road shall connect with or intersect the road of such existing Railroad corporation, or any branch thereof; and so to consolidate itself upon such terms and conditions and under such corporate name as shall be agreed upon in writing between such corporations respectively: *Provided*,

Proviso. that nothing herein contained shall affect or impair in any way any mortgage, right, lien or priority of the State of Tennessee, or the rights of any creditors of such corporations; and that no such consolidation shall be consummated, or be complete, until it and the terms and conditions thereof shall have been approved by a majority of the stockholders of such consolidating companies respectively; and *provided further*, that the agreement for such consolidation, together with the evidence of the approval thereof by such stockholders, shall be filed in the office of the Secretary of State.

Further pro-  
viso.

Not entitled  
to benefits of  
this Act, un-  
til debt to  
State is paid.

SEC. 2. *Be it further enacted*, That no Railroad incorporation indebted to the State of Tennessee, on account of its bonds issued to such road in aid of its construction, shall be entitled to the benefits of this Act until such road shall have fully paid off and discharged such indebtedness; *Provided*, that this section shall not have the effect to impair or repeal any Act passed by this General Assembly, but the same shall apply alone to the provisions of this Act. And that this Act shall take effect from and after its passage, the public welfare requiring it.

Proviso.

Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 12, 1871, and  
approved December 12, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXX.

AN ACT to amend an Act passed 30th day of October, 1871, entitled an Act to change the time of holding the Circuit Courts in and for the Eleventh Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed 30th day of October, 1871, entitled, An Act to change the time of holding the Circuit Courts in and for the Eleventh Judicial Circuit, be so amended as to read, The Courts shall be held as follows, viz. :

Hardin County, second Mondays of January, May and September.

Wayne County, third Mondays of January, May and September.

Lewis County, fourth Mondays of January, May and September.

Hickman County, first Mondays of February, June and October.

Perry County, second Mondays of February, June and October.

Decatur County, third Mondays of February, June and October.

Henderson County, fourth Mondays of February, June and October.

McNairy County, third Mondays of March, July and November.

And so much of the Act of passed 30th October 1871, as conflicts with (this) Act, be and the same is hereby repealed.

Passed December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 12, 1871, and approved December 12, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXI.

AN ACT to change the time of holding the Chancery Courts of Macon and Monroe Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Chancery Courts of Macon County shall be held on Tuesday after the second Mondays of February and August, and that so much of an Act approved July 5, 1870, fixing the time of holding said Court be and the same is hereby repealed, and a term of the Chancery Court at Madisonville, in Monroe County, shall be held on the first Monday of March, 1872, and the regular terms of said Court shall thereafter be held on the first Mondays of June and December, instead of the third Mondays of April and October, as fixed by the Act passed November 22, 1871.

Chancery  
C'ts of Ma-  
con Co., time  
of holding.

Chancery  
C'ts of Mon-  
roe Co., time  
of holding.

Process,  
when return-  
able.

SEC. 2. *Be it further enacted*, That all process issued, or hereafter to be issued, from said Chancery Courts shall be returnable to the days fixed by this Act.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and approved December 14 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXII.

AN ACT to fix the place of holding the different Courts in Cocke County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the various Courts of Cocke County, in said State, shall be hereafter held at Newport Depot, otherwise called Clifton, in any house that may be

Courts of  
Cocke Coun-  
ty to be held  
at Newport  
Depot.



provided for the purpose of holding said Courts, and each of said Courts at the next term thereof after the passage of this Act, shall meet and adjourn from the dilapidated Court House in Newport to the said house that may be provided to hold said Courts in at said Newport Depot.

SEC. 2. *Be it further enacted*, That all process after the said term of Court, shall be made returnable to the said Court House so provided at the said Newport Depot, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXIII.

AN ACT to establish a Criminal Court in the Counties of Williamson, Maury, Giles and Marshall.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Criminal Court be and is hereby established in the Counties of Williamson, Maury, Giles and Marshall, and the jurisdiction of said Court in each County shall be co-extensive with the limits of the respective Counties.

SEC. 2. *Be it further enacted*, That said Court shall have all the jurisdiction given to the Circuit Courts of this State, for the trial and presentment of crimes and offences against the State within the said Counties to the exclusion of the Circuit Courts for said Counties.

SEC. 3. *Be it further enacted*, That the Clerks of the Circuit Courts of the said Counties shall be the Clerks of said Criminal Court, and shall perform the duties by law required of the Clerks in relation to the Criminal business of the Circuit Courts of this State, receiving the same compensation therefor.

Cl'rks, duties  
of.

SEC. 4. *Be it further enacted*, That the Clerks of said Courts shall procure suitable books in which to keep the docket and records of said Criminal Courts, similar to those used in the Circuit Courts of said counties; which books shall be paid for in the same way as those for the Circuit Courts of this State, and the records, papers and proceedings of said Criminal Courts shall be kept separate, apart and distinct from the records, papers and proceedings of said Circuit Courts.

Sheriffs, du-  
ties and com-  
pensation of.

SEC. 5. *Be it further enacted*, That the sheriffs of said Counties shall attend the terms of the Criminal Court, and perform all the duties required of sheriffs in relation to the Criminal business of the Circuit Courts of this State, receiving the same compensation therefor.

Bonds, Cl'rks  
to give.

SEC. 6. *Be it further enacted*, That the sheriffs of said counties and the Clerks of said Courts, shall be required to give bond and security, payable to the State, in the sum of twenty-five hundred dollars each, conditioned for the faithful discharge of their duties under the provisions of this Act, and the laws of this State, defining the duties of sheriffs and clerks of the Circuit Courts.

Circuit C'ts  
to give tran-  
scripts, &c.

SEC. 7. *Be it further enacted*, That the Circuit Courts of said counties shall certify to said Criminal Courts, transcripts of the entry and finding of all indictments, presentments and criminal proceedings now pending in said Circuit Courts, which shall be transcribed upon the records and minutes of said Criminal Courts, and they shall be evidence in all the Courts of this State of the matters therein contained, and said entry of record shall give the said Criminal Courts full and complete jurisdiction of said criminal matters.

Venire,  
County C'ts  
to appoint.

SEC. 8. *Be it further enacted*, That the County Courts of said counties shall appoint a *venire* to attend the terms of the Criminal Courts in the same manner as now required by law to attend the terms of the Circuit

Sheriff to  
summon, &c.

Courts; and the sheriffs of said counties shall summon said *venire* in the same manner as now required by law for the Circuit Courts of the State; and a Grand Jury and traverse Juries shall be organized and formed from said *venire*, for the finding of indictments, presentments, and the trial of causes, as now provided for by law in the Circuit Courts of the State, and shall receive the same compensation, and be paid in the same way, as now provided for by law, in the Circuit Courts of this State.

SEC. 9. *Be it further enacted*, That the Judge of said

Criminal Court shall have the powers and jurisdiction of Judges, powers and jurisdiction of the Circuit Judges and Chancellors of this State, and may interchange with the Circuit Judges, Criminal Judges, and Chancellors of this State, when causes exist making an interchange necessary, or for mutual convenience; and in the absence, death or inability of any Circuit, Criminal Judge or Chancellor, the Judge of said Criminal Court may hold Court in his stead, and shall have the same powers and jurisdiction as the Judge or Chancellor in whose place he is sitting. Absence, &c.

SEC. 10. *Be it further enacted*, That for the purpose of carrying into effect the full intent and meaning of this Act, all the powers and jurisdiction vested in the Criminal and Circuit Courts of this State for the trial and punishment of crimes and offenses against the State, are hereby and herein vested in the said Criminal Courts for said counties. Criminal Courts, powers of.

SEC. 11. *Be it further enacted*, That all the indictments and presentments for crimes and offenses against the State in said counties shall be found and presented by the Grand Juries of said respective counties in said Criminal Court, and the powers and jurisdiction of the Circuit Courts of said counties to empanel a Grand Jury to find indictments and presentments; and to empanel a Petit Jury to try crimes and offenses against the State, as now provided by law, be and the same is hereby repealed; *Provided*, that the Circuit Courts of said counties shall have all the powers in Criminal proceedings they now have under existing laws, until the election and qualification of a Judge of said Criminal Court, as provided for in this Act. Grand Juries. Petit Jury. Proviso.

SEC. 12. *Be it further enacted*, That the State Attorney elected on the first Thursday in August, 1870, by the qualified voters of the counties of Williamson, Maury, Giles, Marshall and Lawrence, shall attend the said Criminal Courts in the counties of Williamson, Maury, Giles and Marshall, and prosecute all crimes and offenses against the State in said counties, and at all times to do and perform all other duties by law required of Attorneys for the State, and their compensation shall be the same as fixed by law for Attorneys for the State. Attorney General to attend & prosecute, &c.

SEC. 13. *Be it further enacted*, That a Judge to preside in and hold said Criminal Court shall be elected by the qualified voters in said counties, and be commissioned in the same way and manner as now provided for by law for the election and commissioning of Circuit Judges and Chan- Judge, election of.

Term of of- and cellors, and the election for said Judge shall be opened  
 fice. and held on the first Thursday in August, 1872, and the  
 Judge, when so elected, shall hold his office until the  
 next general election for Judges and Chancellors in this  
 State; *Provided*, that there being a vacancy in the office  
 of Judge of said Court, the Governor is hereby author-  
 ized and empowered to appoint a person learned in the  
 law, to hold said Criminal Court until a Judge shall have  
 been elected and qualified under the provisions of this  
 Act.

Judge, eli- SEC. 14. *Be it further enacted*, That no person shall  
 gibility of. be eligible to the office of Judge of said Criminal Court  
 unless he shall have practiced law in the Circuit and  
 Chancery Courts of this State for five years, and shall  
 possess the same qualifications required by the Constitu-  
 tion and laws of this State for Circuit Judges.

Salary of. SEC. 15. *Be it further enacted*, That the salary of said  
 Judge of said Criminal Court shall be the same as that  
 of the Circuit Judges and Chancellors of this State, and  
 he shall be paid in the same manner.

Number of SEC. 16. *Be it further enacted*, That there shall be  
 terms and three terms of said Criminal Court in each of said coun-  
 time & place ties in each year, and said terms shall be held at the fol-  
 of holding lowing times and places, to wit: at Franklin, Williamson  
 Court. county, on the second Mondays of February, June and  
 October; at Columbia, Maury county, on the first Mon-  
 days of March, July and November; at Pulaski, Giles  
 county, on the first Mondays in January, May and Sep-  
 tember; at Lewisburg, Marshall county on the first  
 Mondays in April, August and December.

SEC. 17. *Be it further enacted*, That this Act take  
 effect from and after its passage, the public welfare re-  
 quiring it.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and  
 approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXIV.

AN ACT to restore the line between the Counties of Putnam and White.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 8, Chapter 135 of an Act, entitled, An Act to change the line between the counties of DeKalb and Smith and other counties, passed the 19th day of March, 1860, be and the same is hereby repealed, and that the line between the counties of Putnam and White shall be and is hereby restored as the same would be without said section. County lines between Putnam and White restored.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXV.

AN ACT to change the time of holding the Chancery Courts for the county of Jefferson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Chancery Court at Dandridge, in Jefferson county, shall be held on the fourth Mondays of April and October instead of the first Mondays after the fourth Mondays of April and October, as now provided by law, and all writs, process and pre- Chancery Court at Dandridge, time of holding, &c.

cepts, heretofore or hereafter issued, and made returnable to the terms of said Court as now fixed, shall be and are hereby made returnable to the terms fixed by this Act. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXXVI.

AN ACT to amend Sections 4549 and 4550 of the Code increasing the fees of Justices of the Peace in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 4549 of the Code be so amended as to allow Justices of the Peace the following fees for services in civil cases:

Code, sect'n  
4549 am'ded

For issuing warrants against one defendant, twenty-five cents; for each additional defendant, ten cents.

Justices of  
the Peace,  
fees of.

For issuing subpoena for single witness, twenty-five cents; for each additional witness, 5 cents.

For rendering judgments where there is no litigation, fifty cents.

For issuing execution and copy of costs, twenty-five cents.

For making out copy of costs in appeal cases, twenty-five cents.

For taking depositions, one dollar each.

For each certified transcript of judgments, twenty-five cents each.

Code, sect'n  
4550 of,  
amended.

SEC. 2. *Be it further enacted,* That section 4550 of the Code be so amended as to allow Justices of the Peace the following fees for services in criminal cases:

For issuing warrants, fifty cents.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 11, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXXVII.

AN ACT to repeal Acts of March 13, 1868, February, 1869, March 1, 1869, and July 7, 1870, so far as they refer to tax upon telegraph companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of section 5 of an Act passed March 13, 1868, and the Act of February 19, 1869, and section 7 of an Act to amend the revenue laws of the State, passed March 1, 1869, and also so much of section 4 of an Act approved July 7, 1870, as refers to tax upon telegraph companies be and the same is hereby repealed. Telegraph Companies. in relation to tax on.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after the first day of January, 1872, the public welfare requiring the same.

Passed December 13, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office, December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN.  
*Governor.*

## CHAPTER LXXVIII.

AN ACT to amend sections 2291-2292 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 2291 of the Code of Tennessee, be so amended as to provide that the right of action which a person, who dies from injuries received from another, or whose death is caused by the wrongful act, omission, or killing by another, would have had against the wrong doer in case death had not ensued, shall not abate or be extinguished by his death, but shall pass to his widow, and in case there is no widow, to his children, or to his personal representative, for the benefit of his widow or next of kin, free from the claims of his creditors.

Code, section 2291 of, amended.

Right of action in case of injuries or death.

Code, section 2292 of, amended.

SEC. 2. *Be it further enacted*, That section 2292 be so amended as to allow the widow, or if there be no widow, the children, to prosecute suit, and that this remedy is provided in addition to that now allowed by law in the class of cases provided for by said section and section 2291 of the Code, which this Act is intended to amend.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXXIX.

AN ACT to provide support for the Tennessee Hospital for the Insane.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of sixty-five thousand dollars annually, for the ensuing two years of any moneys in the Treasury of the State, shall be placed to

Insane Hospital, appropriation to



the credit of the Treasurer of the Hospital for the Insane, to be drawn on the order of the the Superintendent of the Hospital for the Insane, approved by the President of the Board of Trustees.

SEC. 2. *Be it further enacted*, That the fiscal year shall commence January first, eighteen hundred and seventy-two. Fiscal year to com'ence Jan. 1, 1872.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXX.

AN ACT to amend an Act entitled, "An Act to authorize the Chancery Courts in this State to grant letters of incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 15 of an Act entitled, "An Act to authorize the Chancery Courts in this State to grant letters of incorporation," passed 26th January, 1871, be amended so that corporations for the construction and building of narrow gauge railroads may be organized and formed upon the terms and conditions and subject to the liabilities prescribed in said Act: *Provided, however*, that there shall be but one thousand dollars per mile of capital stock subscribed, when a company proposing to build and run a narrow-gauge railroad may organize: *Provided further*, that there may or may not be required an actual payment of five per cent. on the stock subscribed before the company is organized: *And provided further*, that no preliminary survey need be made before the company is organized. Narrow gauge railroads, in reference to organization of  
Five per ct. stock and preliminary survey not required.

SEC. 2. *Be it further enacted*, That all the provisions of said Act, passed January 26, 1871, except as amended

by the first section of this Act, remain in force, and apply as well to narrow gauge as other railroad companies.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXXXI.

AN ACT to ratify the payment during the war of certain debts due the Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases in which parties who were indebted to the Bank of Tennessee either by note or judgment, prior to the removal of the Bank from the State of Tennessee during the late war, did in good faith afterwards pay their said debt to the President, Cashier or other legitimate officer of said bank, and took their proper receipt therefor, such payment shall be an acquittance in full of said debt: *Provided,* the debtor in every instance shall pay or secure the costs of such now pending, or that may hereafter be brought to reduce such debt to judgment.

Pay'ts made by parties indebted to B<sup>k</sup> of Tennessee ratified.  
Proviso.  
Judgment or the Court costs incur'd in legal proceedings.

SEC. 2. *Be it further enacted,* That this Act take effect from an after its passage, the public welfare requiring it.  
Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXXII.

AN ACT to amend an Act passed at the present session, entitled,  
 "An Act to create and establish the county of Nashoba.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of an Act to create and establish the county of Nashoba, passed October, 1871, be so amended as to read as follows: Said county of Nashoba shall be bounded as follows: beginning on the north boundary line of the State of Mississippi and the south boundary line of Shelby county, Tennessee, at a point dividing section (15) fifteen and (16) sixteen, range six (6) west; thence north, with a variation of seven degrees twenty-seven minutes ( $7^{\circ} 27'$ ) east on said section line to a point on the old Winchester State line; thence north, with a variation of five and one-half ( $5\frac{1}{2}^{\circ}$ ) east, to the center of the Raleigh and Somerville road, twenty-one chains and thirty links west, of a point where Fletcher's Creek crosses said road; thence eastwardly, along the center of said road, nine hundred and thirteen chains and seventy-seven links, (913, 77), to a point where Cypress Creek crosses said road; thence along said Cypress Creek  $82\frac{1}{2}^{\circ}$  northeast four miles in a straight line, to a point with hickory, black gum and white oak pointers; thence east sixty ( $60^{\circ}$ ) degrees, south seven miles 66-100, to a point eight miles due east of the county line between Shelby and Fayette counties; thence south eight miles 71-100 (8.71) to a point on the Mississippi State line eight miles east of the county line between Shelby and Fayette counties; thence west nineteen miles (19) to the beginning, containing two hundred and eighty-five miles.

SEC. 2. *Be it further enacted*, That section 3 of said Act be so amended as that the names of the Commissioners shall be as follows, viz: V. Leake, Chas. H. Cogville, T. James Graves, D. A. Harrell, Washington Ivie, James G. Moore, A. V. Warr, Wm. H. Walker, James W. Allen, J. T. Allen, and Wm. F. Mitchell, and that

County of  
 Nashoba.  
 Bound'ry of.

Commissioners  
 to organize,  
 appointed.

this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXXIII.

AN ACT to regulate the Public Printing, and to prevent overcharging for composition, tokens and paper,

No reports or messages to be incorporated in App'dixes except upon joint resolution, and only one charge for composition to be made.

Cost of paper.

Printers may add discount on warrants, unless paid within five days.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no message or report of the Governor, Treasurer, Comptroller, Secretary of State, Directors, or other officers of the Penitentiary, Trustee or President of the Bank of Tennessee, Trustees of any charitable or educational institutions, or of any other officer of the State, or of any committee, or any other matter, to be incorporated in the Appendixes to the Senate or House Journals, shall be printed except on joint resolution, stating what number of copies shall be printed for the use of the Senate, and what number for the use of the House; and that for all such printing done under joint resolution, as aforesaid, but one charge for composition shall be allowed by the Comptroller or paid for by the Treasurer.

SEC. 2. *Be it further enacted,* That in ascertaining the cost of paper, transportation, charges and insurance, shall be added to the cost at the manufactory or wholesale dealers, and no abrasions, wastage, or any other extra whatever, shall be added to such original cost: *Provided,* that the Public Printer may add to such original cost the actual discount on State warrants, unless the Treasurer of the State shall pay to the Public Printers in money

the cost of such paper within five days after the Public Printers shall have presented their warrants therefor.

SEC. 3. *Be it further enacted*, That in printing the Journals, Acts, Appendixes, Reports, and all other books and pamphlets, the Public Printers shall be allowed only for so much paper, plus twelve and one-half per cent. to cover all sorts of losses and wastage, and for so much composition and so many tokens as actually appear by measuring the books and pamphlets themselves.

In printing Jour'ls, Acts &c., printers allowed 12½ per cent. to cover wastage, measurement, &c.

SEC. 4. *Be it further enacted*, That whenever in printing the Appendixes to the Journals of the two Houses of the General Assembly, said two Appendixes for the same session shall contain, in whole or in part, the same matter, then the Public Printer shall be allowed and paid for only one composition for such identical matter: *Provided*, that for transferring such identical matter, after the same has been set up in type, from one Appendix to the other Appendix, the Public Printers shall be allowed ten cents per thousand ems.

Only one composition allowed for Appendixes. Proviso. Allowance of 10 cents per thousand ems for transfer, &c.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXXIV.

AN ACT to establish a Bureau of Immigration, and for other purposes.

WHEREAS, the early, enlarged, and permanent prosperity of the State depends upon a more full and perfect development of her resources; and

WHEREAS, This development is not possible without the aid and influences of immigration. Therefore,

Board of Im-  
migration to  
be appointed  
by the Gov-  
ernor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be three Commissioners of Immigration appointed by the Governor, who shall constitute a Board of Immigration, one of which shall reside at Nashville, one at Memphis, and one at Knoxville.

Commis'srs,  
duties and  
powers of.

SEC. 2. *Be it further enacted*, That said Commissioners be hereby fully empowered to exercise all and every means and influence within the scope, intent and ability of this Act by causing (and it shall be their duty to cause) to be collected, compiled, published and circulated in such manner, and by such agencies, and at such places as they may deem proper and advisable in the United States and in foreign countries, pamphlets, and other publications, descriptive of the resources and advantages of the State, and other facts and information having a tendency to attract and promote immigration, and to stipulate with such agents as may be necessary to employ in foreign countries, or in the seaports of the United States, for the direction and protection of immigration from false information and speculation, and otherwise use their discretion in furtherance of immigration.

May appoint  
Ass't Com-  
missioners.

SEC. 3. *Be it further enacted*, That said Commissioners shall appoint one Assistant Commissioner for each of the three Grand Divisions of the State, located respectively at Nashville, Knoxville, and Memphis, whose duty shall be to aid the Commissioners in all the details of the work, and under their special control and direction.

Who shall  
keep a rec'd  
of laws for  
sale.

SEC. 4. *Be it further enacted*, That said Commissioners shall keep in their own and Assistant Commissioners' offices, a record of lands for sale, lease or colonization, agricultural, mechanical, or other requirements for labor.

May solicit  
subscriptions  
and endow-  
ments.

SEC. 5. *Be it further enacted*, That said Commissioners be authorized and have power to open books, and invite and solicit contributions and endowments of money, land, or other property, from corporations, manufactories and other persons, which money or property, when contributed, shall be under the control of and expended by said Commissioners for the aforesaid immigration purposes, and that said Commissioners make annual reports of their labors and proceedings to the General Assembly, accompanied with suggestions for the guidance of future legislation on the subject: *Provided*, the lands subscribed shall be taxed as other real estate: *An provided further*, that said Commissioners shall elect one of their number President.

Proviso.

SEC. 6. *Be it further enacted*, That the State shall incur no expense under the provisions of this Act.

Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

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## CHAPTER LXXXV.

AN ACT to require Clerks, Registers, and other public officers, to keep a more perfect index to all their record books.

SECTION. 2. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter each and every Clerk of any of the Courts of this State, every Register, or other public officer of this State, whose duty it may be to keep any record books, wherein the records of any Court or of any county shall be kept, to keep an index book to each book wherein any suit, decree, judgment, sale, mortgage, transfer, lien, deeds, power of attorney, or other record, shall be kept, in which index such Clerk, Register, or public officer shall enter in alphabetical order, under the name of each party, every such suit, judgment, decree, sale, deed, mortgage, or other matter of record required by law to be by him entered in the record book or books to be kept by such Clerk, Register, or other public officer, to the end that any judgment, decree, sale, conveyance, mortgage, or other record, may be found under the name of either party to any transaction of record.

Public officers shall keep an index to each record book.

SEC. 2. *Be it further enacted*, That any Clerk, Register, or other public officer, required by law to keep any record book or books, who shall wilfully violate the provisions of the first section of this Act, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined at the discretion of the Court trying the cause, and moreover, he and his official surities shall be liable to the injured party for all damage sustained by him, her,

Failure to do so a misdemeanor, and subjects offender to a fine.

or them, in consequence of a failure to comply with the requirements of this Act, to be recovered before any Court of competent jurisdiction.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 13, 1871, and approved December 14, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXXXVI.

AN ACT to allow an additional Justice of the Peace in the incorporated town of Sweetwater of Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters of the town of Sweetwater, of Monroe county, be allowed to elect one additional Justice of the Peace.

Additional J.  
P. for town  
of Sweetw'r.

SEC. 2. *Be it further enacted*, That this Act take effect from the date of its passage, the public welfare requiring it.

Passed December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER LXXXVII.

AN ACT to amend Section 5004 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 5004 of the Code of



Tennessee be and the same is hereby so amended as to read : every Justice of the Peace, Sheriffs and Constables, Mayors and Recorders in the State, shall execute bond, with good security, to the Clerk of the County Court, to be approved by the Judge or Chairman of said Court, payable to the State, renewable biennially, in the penalty of five hundred dollars, conditioned to pay to the Trustee of the county every fine received or collected, or which might have been received or collected by him under the provisions of this chapter.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER LXXXVIII.

AN ACT creating the office of Geologist and Mineralogist for the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the office of Geologist and Mineralogist of the State is hereby created; said office shall be filled by appointment of the Governor, with the concurrence of the Senate, the term of office to be two years, and until a successor is appointed.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Geologist and Mineralogist to prosecute topographical, geological and mineralogical survey of the State, with the view to the full development of all ores, coals, clays, marls and such other mineral substances as may be deemed useful or valuable, together with such other duties as may be necessary to make a full and complete geological survey of the State, and to this end, that he apply for the benefits of the United States Coast Survey in the triangulation of the area of the State, and

Section 5004  
of Code a-  
mended so as  
to require  
officers to  
give bond to  
pay money  
to trustees.

Office of Ge-  
ologist and  
Mineralogist  
created.

To apply for  
benefits.

that he make a report to the first session of each Legislature of the State, showing the progress of such surveys, accompanied with such maps, drawing and specimens as may be necessary and proper to exemplify and elucidate the same, which reports shall not be published unless expressly ordered by the Legislature.

SEC. 3. *Be it further enacted*, That said Geologist and Mineralogist shall devote at least three months of each and every year exclusively to the duties of said office until the State shall be in condition to employ a greater part of his time, and for the three months of each and every year thus devoted to the duties of said office, the incumbent shall receive from the Treasurer of the State the sum of three hundred dollars.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

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## CHAPTER LXXXIX.

AN ACT to allow an additional Justice of the Peace in the incorporated towns of Rutherford, in Gibson county, Portersville, in Tipton county, and Mount Pleasant, in Maury county.

Rutherford,  
Portersville  
and Mount  
Pleasant,  
each allowed  
an additional  
J. P.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters of the incorporated town of Rutherford, in Gibson county, Portersville, in Tipton county, and Mount Pleasant, in Maury county, be and they are hereby authorized to elect for their said towns respectively an additional Justice of the Peace.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XC.

AN ACT to preserve the peace and prevent homicide.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any person to publicly or privately carry a dirk, sword cane, Spanish stiletto, belt or pocket pistol or revolver other than an army pistol, or such as are commonly carried and used in the United States Army, and in no case shall it be lawful for any person to carry such army pistol publicly or privately about his person in any other manner than openly in his hands, and any person guilty of a violation of the provisions of this section, shall be guilty of a misdemeanor, and subject to presentment or indictment, and, on conviction, shall pay a fine of not less than ten, nor more than fifty dollars, and may be imprisoned in the county jail not more than three months: *Provided, however*, the Court may commute the imprisonment altogether, and in lieu thereof, require the person convicted to give bond with approved security in not less than the sum of five hundred dollars, conditioned that he keep the peace for six months after such conviction.

Not lawful  
to carry dirk  
sword cane,  
stiletto, or  
pistol.

To do so a  
misdemeanor

Proviso.

SEC. 2. *Be it further enacted*, That it shall be the duty of all peace officers in the State, including Sheriffs, Deputy Sheriffs, Constables, Coroners, and Justices of the Peace, to see that the first section of this Act be strictly enforced, and it is hereby made their duty to report without delay any violation thereof, to the grand juries of their respective counties, and it shall be the duty of the grand juries to send for witnesses in all cases where they have good reason to believe there has been a violation

Duty of  
peace officers

thereof, and, upon satisfactory proof, to make presentment of the same without a prosecution.

Not to apply  
to peace offi-  
cers. SEC. 3. *Be it further enacted*, That the provisions of the first section of this Act shall not apply to any officer or policeman while engaged in the actual discharge of his official duties, nor to any person who is on a journey out of his county or State.

Construction  
of. SEC. 4. *Be it further enacted*, That nothing in this Act shall be so construed as to operate as a pardon for any offense heretofore committed, but persons indicted or presented for carrying dangerous weapons under the laws now in force, shall be tried under said laws, and punished as therein required: *Provided*, the Courts shall have discretionary powers in regard to the imprisonment for said offences.

Proviso.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XCI.

AN ACT to change the county line between the counties of Hawkins and Hamblen, between Monroe and Loudon, between Meigs and Monroe, between Warren and VanBuren, and between Hawkins and Hamblen.

County lines  
betw'n Haw-  
kins and  
Hamblen  
changed.

SECTION 1. *Be it by enacted the General Assembly of the State of Tennessee*, That the county line between the county of Hawkins and Hamblen be so changed as to include within the county of Hawkins the entire tracts of land that J. W. Keele, H. P. McCullough and Thomas Moore now reside upon; the assent of said McCullough and Moore having been exhibited in writing to this General Assembly.

SEC. 2. *Be it further enacted*, That the county line between the counties of Monroe and Loudon be so changed as to embrace in Monroe county all the respective tracts of land upon which Charles Moore, Charles H. Jones, Wm. Harrison, Wm. A. Upton, Jr., Dolphus Lowe and Margaret Lowe now reside, as each party desire the same as shown in writing to this General Assembly. Monroe and Loudon changed.

SEC. 3. *Be it further enacted*, That the county line between the counties of Meigs and Monroe be so changed as to include in the county of Meigs all the tracts of land that Elijah McPherson and David Webb now reside upon, as said McPherson and Webb desire the same in their written petition to this General Assembly. Meigs and Monroe changed.

SEC. 4. *Be it further enacted*, That the county line between the counties of Warren and VanBuren be so changed as to include the lands on which J. Wiley Miller, H. L. Moffet, Wm. L. Stickley and John C. Miller live, in Warren county, their assent having been made to this General Assembly. Warren and VanBuren changed.

SEC. 5. *Be it further enacted*, That the county line between the counties of Hawkins and Hamblen be so changed as to include Clisby Austin's lot of land at Rogersville Junction, and all that part of the public road known as the "White horn" road, leading southwest of said lot of land to the line of Hawkins and Hamblen be and the same are included in the new county of Hamblen, so as to conform with the desire of said Austin, as shown by his petition. Hawkins and Hamblen changed.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XCII.

AN ACT to fix the times of holding the Circuit and Chancery Courts in the County of Roane.

Circ't Court, Roane Co'ty, time of holding. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Court for Roane county shall be held on the second Mondays of April, August and December in each and every year; *Provided*, that the term of the Circuit Court to be held in said county next after the passage of this Act, shall be held at the time now fixed by law; but forever thereafter at the times fixed in this Act.

Proviso.

Chanc'y C't, time of holding. SEC. 2. *Be it further enacted*, That the Chancery Court for said county, shall hereafter be held on the second Mondays of March and September in each year, and all process issued from said Court, or that may be issued prior to the time this Act takes effect, shall be returnable to the first term after this Act goes into operation.

Process, when returnable.

Acts in conflict repeal'd. SEC. 3. *Be it further enacted*, That so much of an Act passed 25th June, 1870, entitled, An Act to fix the times of holding the Circuit Courts, and so much of an Act passed June 30, 1870, entitled "An Act to fix the times of holding Chancery Courts," as conflicts with this Act be repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN.  
*Governor*

## CHAPTER XCIII.

AN ACT to ratify the line established between the Counties of Washington and Sullivan.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line established between the counties of Washington and Sullivan, under the provisions of Section 1, Chapter I, of the Acts of 1870, passed May 26 and approved June 4, 1870, plats of which have been filed with the County Court Clerks of said counties, be and the same is hereby ratified and confirmed as the line between said counties.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office December 16, 1871,  
and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XCIV.

AN ACT for the more efficient management of the State Prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the office of the Superintendent of Prisons be and is hereby created (which shall be filled by appointment by the Governor) the appointment to be ratified by the Senate, and said officer shall hold his office for the term of two years, from and after the date of his qualification and until his successor is appointed and qualified.

SEC. 2. *Be it further enacted*, That said Superintendent shall, before he enters upon the duties of his office, execute bond payable to the State, in the penalty of fifty thousand dollars, with good and sufficient security, to be approved by the Governor, Comptroller and Treasurer

County lines  
between  
Washington  
and Sullivan  
ratified.

Superintendent of State Prisons, office of created.

Term of.

Bond, shall execute.

Oath, form  
of.

To be filed  
with Secretary  
of State.

Salary of.

Quarterly  
settlements.

Warrants,  
Treasury,  
shall be re-  
deemed.

May be re-  
moved by  
Governor.

Who shall  
report his ac-  
tion to Gen-  
eral Assem-  
bly.

of the State, conditioned for the faithful performance of his duties, and to account for and pay over all moneys that come or should come into his hands according to law, and he shall take and subscribe the following oath in writing: I, ———, do solemnly swear that I will faithfully and earnestly discharge all the duties imposed on me by law as Superintendent of Prisons, and that I will not during the continuance of my term, take or receive any compensation, fee or reward for the same, directly or indirectly, only the allowance made by law for the office, and that I will not be engaged directly or indirectly in the profits or emoluments of the Prison, or in the Prison labor, leases or contracts, or in the furnishing of supplies or materials therefor. So help me God! Which oath, together with his bond, shall be filed with the Secretary of State, and any violation of said oath shall be perjury, punishable as other cases of perjury.

SEC. 3. *Be it further enacted*, That said Superintendent shall receive as his salary two thousand (2,000) dollars per annum, to be paid quarterly out of the State Treasury upon the warrant of the Comptroller, and no warrant shall issue to him, and no salary shall be paid him while he is in arrears to the State, or while he is in default in making the settlements required by law, or is otherwise in default, and it shall be the duty of said Superintendent to make quarterly settlements with the State Treasurer on the first Mondays of January, April, July and October in each year, and he is especially required to redeem the Treasury warrants heretofore hypothecated by the Inspectors, with the money to be paid to the State by the Lessees for that purpose.

SEC. 4. *Be it further enacted*, That said Superintendent shall be liable to be removed by the Governor when he fails to discharge his duties, or to make the quarterly settlements required of him by Section 3 of this Act, or when in the opinion of the Governor the interest of either the State or Prison demands his removal, and the Governor shall inform the General Assembly next sitting, or then in session, of the removal, and the reasons therefor, and in case of such removal, or of the resignation or death of such Superintendent the Governor shall immediately appoint his successor, and the Superintendent shall at any time increase his bond or give other satisfactory security as may be demanded by the Legislature when in session or by the Governor in vacation.

SEC. 5. *Be it further enacted*, That the Superintend-



ent of Prisons shall be charged with all the duties pre- Duties of.  
scribed by Sections 5442, 5443 and 5444 of the Code of  
Tennessee, as well other sections prescribing the duties  
of the keepers of the State Prison, and also the duties  
prescribed for Inspectors by the Act of the 5th of Feb-  
ruary, 1870, Chapter LIX, Sections 4, 5, 6, 7, 8, 9, 10,  
11 and 12, and of the Act of June 29, 1870, Chap-  
ter XLV, Section 1. *Provided*, that the salaries  
mentioned in the last named section may be fixed, Proviso.  
and shall be paid the Lessee of the Penitentiary,  
while the same is under lease, and said Superintendent  
shall be entitled to all the benefits and privileges and  
Superintend-  
ent entitled  
to emolu-  
ments,  
emoluments therein prescribed for the Keeper, except the  
salary therein fixed, and said sections are hereby re-en-  
acted, except as to the salary of \$—— therein provided  
for the Keeper.

SEC. 6. *Be it further enacted*, That in addition to the  
duties herein prescribed, the Superintendent of Prisons  
shall be charged with the duty of visiting, at least once  
every two months, the branch prisons and other localities  
where the convicts shall be employed, and look to their  
Further du-  
ties of.  
comfort and treatment, and shall be especially charged  
with the duty of having the contract of lease and all  
other contracts enforced, and report all failures, and in  
the event the contract of lease shall fail, and in conse-  
quence thereof the Prison shall revert to the exclusive  
control of the State, he shall, with the advice of the In-  
spectors, conduct the Prison according to law.

SEC. 7. *Be it further enacted*, That so much of the Act  
of June 29, 1870, Chapter XLV, Section 5, as gives to  
the Inspectors a salary of \$1,000 each per annum, be and  
the same is hereby repealed, and in lieu of that provi-  
sion for them, they are to be allowed each three (3) dol-  
lars per day for actual services, and they be required to  
meet only two days in each month, and that hereafter  
there be only one advisory board. Inspectors,  
salary of  
\$1000 disal-  
lowed and  
\$3 a day for  
actual ser-  
vice allowed  
in lieu.

SEC. 8. *Be it further enacted*, That the Governor of  
the State shall have the power, and it shall be his duty,  
to appoint the Warden, Assistant Warden and the Guards,  
all of whom shall be subject to his orders and control,  
and subject to be removed by him; *Provided*, that it shall  
not be lawful for him to appoint any one who is in any-  
wise related to the Lessees, or any one interested in the  
lease; and *provided further*, that the Wardens and Guards  
shall take and subscribe the following oath in writing,  
which shall be filed with the Secretary of State, and its  
Governor to  
appoint offi-  
cers, &c.  
Proviso.  
Oath, War-  
den & Guards  
to take.

violation by any of them shall be perjury, punishable as in other cases of perjury: I, —, do solemnly swear that I will earnestly and faithfully perform the duties required of me by law; that I will accept no bribe or other compensation, during my continuance in office, other than such as is allowed by law, and I will in all things perform the duties of said office to the best of my ability, and execute the laws and regulations prescribed for the government of the Penitentiary, and that I will on no occasion ill-treat or abuse any convict under my care beyond the punishment authorized by law, or the rules and regulations of the Institution.

Form of

Inspectors,  
how appointed.

SEC. 9. *Be it further enacted*, That the Governor shall nominate to the Senate a Board of Inspectors, as now provided by law, and upon confirmation by the Senate, the said Board so appointed shall succeed the present Board at the expiration of the term for which they were appointed; and the salary of one thousand (1,000) dollars per annum heretofore paid by the Prison to each of the Inspectors, under the Act of February 5, 1870, shall be paid into the State Treasury by the Lessees of the Penitentiary, in addition to the thirty thousand (30,000) dollars per annum paid for the use of the Prison labor, in accordance with the provisions of the contract entered into between the said Lessees and Inspectors.

Lessees to  
pay salary of  
former In-  
spectors into  
the Treasury.

Assistant  
Warden, of-  
fice of abol-  
ished, &c.

SEC. 10. *Be it further enacted*, That the office of Assistant Warden or Deputy Keeper, as provided for in Section 5441 of the Code, be and the same is hereby abolished, and that Section 5442 of the Code be amended by striking out the words, "One thousand," and inserting the words, "Twelve hundred."

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XCV.

AN ACT to authorize the Corporators or their successors mentioned in the 41st Section of the Act of May 24, 1866, to turn over the funds in their hands to the "Greeneville and Paint Rock Tram Road Company."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proceeds arising from the sale of thirty thousand dollars of stock heretofore owned by the State of Tennessee in the East Tennessee and Georgia Railroad Company, and heretofore transferred by an Act passed the 24th of May, 1866, to the Greeneville and Paint Rock Turnpike Company, and subsequently sold by the corporators or commissioners or their successors named in the 41st Section of said Act, which remains in the hands of said Commissioners, be and the same is hereby transferred to the Greeneville and Paint Rock Tram Road Company.

SEC. 2. *Be it further enacted*, That it shall be the duty of said corporators or commissioners named in said 41st Section of the Act of May 24, 1866, or their successors in office, or a majority thereof, forthwith to turn over to the Treasurer of said Greeneville and Paint Rock Tram Road Company, the proceeds remaining in their hands of the sale of said thirty thousand dollars of the stock aforesaid, who shall receipt in duplicate for the same as so much stock paid by the State into the said Greeneville and (Paint Rock) Tram Road Company; one of the receipts so given by the Treasurer aforesaid shall be filed in the Comptroller's office as evidence of the State's interest in said Railroad and the other in the hands of said corporators or commissioners shall be full and satisfactory evidence that they have paid over the funds in their hands.

SEC. 3. *Be it further enacted*, That when said fund shall be paid over to the Treasurer of the said Greeneville and Paint Rock Tram Road Company, and the same shall be accepted as so much stock paid in by the Company, the State of Tennessee shall have and maintain a lien on the amount so paid into said Company and thereby, so long as said stock remains in said Company, entitled to one Director in the road, who shall be appointed and by the Governor as such, entitled to all rights and privileges of any other Director in said Company.

State stock in Greeneville & Paint Rock T. P. Co'sy transfer'd to Greeneville & Paint Rock Tram Road Company.

Commissioners to make said transfer.

And shall give duplicate receipts.

Lien, State shall have.

And one Director, who shall be appointed by the Governor.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XCVI.

AN ACT to establish a new county out of portions of the territory of Lincoln, Franklin, Coffee and Bedford counties, to be called the county of Moore, in honor of the late Gen. Wm. Moore, late of Tullahoma, Tenn., one of the early settlers of Lincoln county, Tenn., a soldier of the war of 1812, and for many terms a member of the General Assembly of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be and the same is hereby established, out of fractions of the territory of Lincoln, Franklin, Coffee and Bedford counties, to be known as Moore county.

SEC. 2. *Be it further enacted*, That the said county of Moore shall be bounded as follows: Beginning at a point near James W. Holman's, on the Lynchburg and Fayetteville turnpike road, in the county of Lincoln, running in a southeast direction to the mouth of Tucker's Creek, on Elk river, thence up Elk river to the line of Widow Gregory's lands, in Franklin county; thence with the line of said lands so as to leave out of said new county the farms of Mrs. Gregory and Mrs. Cole, to Elk river; thence east to a point near James A. Silvertooth's, on Big Hurricane, thence northeast to a point on the Nashville and Chattanooga Railroad, near Ganaway's Woodyard; thence northeast, across said road one mile, to a point in the county of Coffee, thence on a line parallel with said railroad, to a point near the water tank, on the seven-mile grade; thence to a point across said railroad, to a point

Moore Co.  
established.

Boundry of.

Out of frac-  
tions of Lin-  
coln, Frank-  
lin, Coffee  
and Bedford  
counties.

near the Burrow place, on Shipman's Creek, in the county of Bedford, thence in a southwest direction to a point near W. P. Bobo's, thence in a western direction to a point near Peyton Dean's, on Flat Creek; thence west, to Mount Hermon Church; thence with Elk Ridge, to a point one mile south of Berry Prossers, in the county of Lincoln, thence southeast to a point on Gimlet Creek, near Newton Ashby's; thence to a point near Boonville, on West Mulberry Creek; thence to the beginning point.

SEC. 3. *Be it further enacted,* That for the purpose of organizing the said county of Moore, the following named persons are appointed Commissioners, to-wit: Berry Prosser, Lewis Morgan, J. B. Thompson, John D. Tolley, H. H. Smith, Wm. Copeland, J. E. Spencer, and S. J. Green, of the county of Lincoln; C. T. Shiver, A. J. Simpson, Goodwin Miller and Harvey Farris, of the county of Franklin; James G. Aydelotte, Mike Campbell, Thos. Colley and S. J. McLemore, of the county of Coffee; Wm. Smith, W. P. Bobo and John Sullivan, of the county of Bedford, who shall, before entering upon the duties herein specified, take an oath before some Justice of the Peace, faithfully and impartially to discharge their duties as such Commissioners, and in case of vacancy from any cause or refusal to act on the part of any Commissioner, his place shall be filled by the other Commissioners, who shall select his successor from the fraction of the county in which the vacancy occurred. A majority of said Commissioners shall constitute a Board, competent to do all things enjoined upon them as Commissioners; and they shall keep a record of their proceedings, which shall be returned by them to the County Court of said county of Moore, at its first session, and the same shall be recorded by the Clerk thereof on the Records of said Court.

Commissioners appointed.  
Oath of Commissioners.  
Vacancy, or refusal to act  
Board, a majority to constitute.  
Records.

SEC. 4. *Be it further enacted,* That for the purpose of ascertaining the will of the people of the said fractions of Lincoln, Franklin, Coffee and Bedford counties, in which they reside, as to the said creation of the new county of Moore, said Commissioners shall cause, at as early a day as practicable, an election to be opened and held in the fractions of the old counties that are to be included in the new county; at which election those voting for the new county shall have written or printed on their tickets or ballots, the words, "New County," and those voting against it shall have written or printed on their

Election at an early day.  
Ballots, words, &c.

tickets, the words "Old County." And said Commissioners shall have power to appoint suitable persons to open and hold said elections; and such persons, so appointed, shall have power to appoint deputies, clerks and judges, and by themselves or deputies, to administer all necessary oaths, do and perform all other duties necessary to the proper holding of said election. Said election shall be held at such times and places as may be designated by said Commissioners, and upon such notice of time and place as said Commissioners shall direct.

**Judges, &c.** **Elect'n, time and place, Commiss'rs to designate.** **Electors to vote in old fraction.** **Proviso.** SEC. 5. *Be it further enacted,* That the qualified voters of the fractions aforesaid, composing said new county of Moore, in the election provided for in the 4th section of this Act, shall vote at the election held in or for a fraction of the old county in which they reside: *Provided,* that if there is more than one place of voting in said fraction, that it shall be lawful for said voters to cast their votes at any one of said places.

**Election returns to be made to commissioners.** **Organization Commiss'ers to complete.** SEC. 6. *Be it further enacted,* That the persons appointed to hold said election shall make returns of said election to said Commissioners, at such time and place as they may designate in the order directing said election to be held, and who shall count the vote of said fractions separately. And if the requisite constitutional majority is found in favor of the new county, then the said Commissioners shall proceed to complete the organization of said county as hereinafter directed.

**Moore co'ty to be divided into suitable districts.** **Place of voting.** SEC. 7. *Be it further enacted,* That whenever it shall be ascertained by the election aforesaid that the vote of the people of said fractions of said old counties are in favor of the said new county of Moore, then the Commissioners aforesaid shall appoint not less than three, nor more than five, suitable persons, whose duty it shall be to divide said county into suitable districts of convenient size, and fix the place of voting in each district. The number of said districts shall not exceed four for every eighty square miles of said new county.

**County officers, election of.** **Oaths.** SEC. 8. *Be it further enacted,* That as soon as said new county is laid off into civil districts, the said Commissioners shall appoint suitable persons to open and hold an election in said new county for the purpose of electing officers to the various county and district offices provided for by law for each county in this State; and such persons, so appointed, shall have full power and authority to appoint deputies, clerks, and judges; and by themselves and deputies, to administer all necessary oaths,

and to do and perform all the duties incumbent upon them as officers of an election; said election to be held at the time fixed by the Commissioners, upon the usual notice, and at the places designated in such civil districts, as provided for in section 7 of this Act, and make due return thereof, as the law directs. Time of holding.

SEC. 9. *Be it further enacted*, That said Commissioners, as soon as it is ascertained that the people of said fractions of the said old counties have voted for the new county, shall designate a temporary county site for said new county, and procure a suitable building in which to hold the Courts in said county, until an election can be held by the people for the purpose of locating permanently the county site of said county. And the County Court of said county, at its first session, shall order an election held for the purpose of establishing the permanent county site; and said election shall be held and conducted, and returns made as now provided by law for elections. Each voter shall have written or printed upon his ticket or ballot the name of the place at which he desires the county site, and the name of the place receiving the highest number of votes, shall be the permanent county site; and the County Court of said county shall proceed, as soon after the election as practicable, to locate the said site, and to procure the erection of the necessary county buildings. County site, temporary, Commissioners to designate.  
  
County site, permanent, election for.  
  
Co. Buildings erection of.

SEC. 10. *Be it further enacted*, That said Commissioners shall have power to make any change in the lines of said county, if found necessary, so as to conform with the requirements of the Constitution of this State. County lines may be changed.

SEC. 11. *Be it further enacted*, That the taxes to be assessed and collected for State and county purposes for the year 1872, if said county is established, shall be collected for the new county. Taxes, to be assessed.

SEC. 12. *Be it further enacted*, That before the said new county shall be established, the Commissioners appointed under this Act shall cause an actual survey of this county to be made, and an actual enumeration of the qualified voters in the limits of said county, in order that it may be ascertained if said new county has the required number of square miles, and the number of voters as required by the Constitution. Survey to be made.  
  
Enumeration of voters.  
  
Number of square miles.

SEC. 13. *Be it further enacted*, That before the election is held to determine whether said new county shall be formed, the Commissioners appointed in this Act shall cause an actual survey to be made by some competent surveyor, to ascertain whether any old county, out of Actual survey to be made.

Number of square miles. which the proposed new county is to be made, will be reduced below five hundred square miles, and if the boundary set out in this Act shall reduce any of the old counties below the Constitutional area of territory, then before any vote shall be taken, the Commissioners herein appointed shall reduce the area of the proposed new county so as not to infringe upon the area prescribed for old counties, as fixed by the Constitution: *Provided, however,* that the proposed new county shall contain 275 square miles and 700 qualified voters.

May be reduced.

Proviso.

SEC. 14. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XCVII.

AN ACT to revise the rules of Chancery practice.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Rules of Practice of the Chancery Courts of this State shall be as follows, and all other Rules of Practice of said Courts heretofore in force, and all sections of an Act entitled the Code of Tennessee, inconsistent with the same, or so far as the two are inconsistent, be and the same are hereby repealed, and the Rules submitted to this General Assembly by the Chancellors of the State, be adopted as herein set out by rules, heads and sections, as follows:

### RULE I.

#### PLEADINGS AND EXCEPTIONS THERETO.

SEC. 1. The residence of complainants and defendants shall be stated in all bills, if the same are known, and if unknown, then so stated.

Residence of the parties.



SEC. 2. All papers and documents referred to in pleadings or depositions, as exhibits, shall be filed in the Master's office at the time the pleadings or depositions are filed, unless by special order of the Chancellor or Master, it is otherwise ordered, but the same shall be filed at any time thereafter upon the order of the Chancellor or Master, and no pleadings or depositions shall be received and filed by the Master until this rule shall have been complied with: *Provided, however*, the paper is not of record in the Court.

Exhibits, as documents, when to be filed.

SEC. 3. The Master shall note upon the pleadings, or other papers filed in his office the date of the filing.

Date of filing.

SEC. 4. If exceptions be filed to an answer for insufficiency, or for scandal or impertinence, the Clerk and Master shall examine and report upon them with all convenient speed; and if either party be dissatisfied with his report, he may appeal to the Chancellor in Court.

Exceptions for scandal or impertinence, how heard.

SEC. 5. Exceptions to answer for insufficiency shall be filed within twenty days after notice served of the filing of the answer.

Exceptions to answer for insufficiency, how proceeded with.

The party filing the exceptions shall set them down for hearing before the Master within ten days after they are filed, and upon failure to do so, the answer shall be deemed sufficient.

Upon the exceptions being set down for hearing, the Master shall act upon them immediately, and if allowed, he shall notify the defendant's solicitor to file a sufficient answer within thirty days, from which order the defendant may, within said time, appeal, but if the defendant, in obedience to said order, shall file an answer deemed sufficient by the Master, he shall notify the complainant's solicitor, and he may appeal within ten days after the notice.

Upon appeal so taken, the Chancellor shall act immediately, or as soon as convenient.

SEC. 6. Exceptions filed shall not delay taking depositions, or otherwise preparing the cause for hearing.

Exceptions shall not delay cause.

SEC. 7. If a defendant obtain time to answer the complainant's bill, he shall not file a plea or demurrer unless the order giving time expressly embrace those modes of defense.

No plea or demurrer after answer, unless expressly permitted.

## RULE II.

### DEPOSITIONS, EVIDENCE, &C.

SEC. 1. The Commissioner before whom a deposition is taken, is required to annex a bill of cost of taking the same.

Commis'ner to annex bill of costs.

SEC. 2. Proof of notice to take depositions may be made either before the Master or before the Commissioner, by the affidavit of a competent witness, or the return of a proper officer.

Notice, upon whom serv'd SEC. 3. If either party reside out of the State, notice may be served upon his agent or solicitor.

Depositions, how taken, after cause set for hearing. SEC. 4. After a cause is set for hearing, the same shall be opened to both parties for proof without leave of the Court, and without remanding the cause to the rules, but each party must take his proof in chief within four months, and the rebutting proof within two months: *Provided*, the Chancellor or Master may extend the time upon sufficient cause shown by affidavit, upon terms.

Exceptions to depositions how taken and acted upon. SEC. 5. All exceptions to depositions for want of notice, because not filed in reasonable time, or for other cause going to the admissibility thereof, except objections to the competency of the witness, or his evidence, shall be made and disposed of before the commencement of the hearing or trial, otherwise they will be considered as waived. It is the duty of the Clerk to act upon the exceptions made before the hearing forthwith; and from his decision an appeal lies to the Chancellor or Judge, to be disposed of before the cause is heard or tried.

Re-examination by witness. SEC. 6. A witness once examined in a cause, by either party, shall not be re-examined to the same facts by the same party, unless by order of the Court, or of the Master, on sufficient cause shown by affidavit.

Commissioners shall certify who were present when taken upon interrogat's. SEC. 7. In all cases when depositions are taken upon interrogatories as now provided by law, the certificate of the Commissioner shall show who were present at the taking of the depositions, and if he fail to state all who were present, or if it appears that either party, his agent or solicitor, were present at the taking of the same, and the other party was not present in person or by his agent or solicitor, it shall be good cause for exception to the admissibility of such deposition.

### RULE III.

#### DECREES.

How writt'n SECTION 1. Each decree shall be written upon not less than a half sheet of paper, and in ink, and the date of its entry endorsed upon the same.

Shall be fastened together. SEC. 2. Each decree in a cause, as it is entered, shall be securely fastened together at the top with the other decrees in the same cause by the Master.

## RULE IV.

## ACCOUNTS, REPORTS, EXCEPTIONS, &amp;C.

SECTION 1. When a matter is referred to the Master to take an account, and make a report, the Court may, in the decree, fix the time in which the account shall be taken, and the report made, and upon whom the notices of taking the same shall be executed, if, in the discretion of the Court, any notice is necessary. Accounts, time of taking.

SEC. 2. If the decree does not fix the time within which the account shall be taken, and the report made, the same shall be made to the succeeding term upon the following rules, viz: Decrees may fix time of, if not to next term.

The Master shall assign a time and place to consider the same, and shall issue a notice thereof to the parties interested in the account, and to be affected by it, and also to their respective solicitors, if both the party and solicitor reside in the county, and if the solicitor reside in the county and the party does not, then to the solicitor, and *vice versa*. How acc'ts shall be proceeded with. Notice of same, upon whom executed.

In all cases in which the party is a non-resident, then the notice shall be served upon his solicitor.

SEC. 3. Said notice shall be executed five days before the day assigned, and it shall be expressed in the notice that if the party, or his solicitor, as provided above, shall fail to attend, the account will be proceeded with *ex parte*.

SEC. 4. If the parties or their solicitors attend, the Master may, upon affidavits of either party showing sufficient cause, adjourn the matter from day to day, or to another day prior to the time he is required to file the report, at which time, unless he adjourn the same, he shall proceed to take the account and make the report.

SEC. 5. If the parties are numerous, the notice shall be served upon such of them as the decree or Master may designate. Master may designate persons to be served.

SEC. 6. After the evidence has been closed, the Master shall proceed without delay to make the report in writing, in ink, with the pages marked thereon. Make report.

SEC. 7. In said report he shall refer by page to the particular parts of the record upon which he bases each item allowed. How prepared.

SEC. 8. Said report, when completed, shall be filed five days before the first day of the succeeding term, and the fact shall be noted upon the hearing docket, and also upon the Chancellor's docket, opposite the cause. How filed and noted.

**SEC. 9.** If either party fail to attend, the account shall be closed, and no other evidence shall be introduced or heard, unless the party offering it shall, within ten days, by special affidavit, show that he has material evidence which was not before the Master at the time fixed for taking the account, and which he could not by proper diligence have produced according to the provisions of the notice, in which case the Master may open the account for the reception of evidence upon the same notice prescribed for the original account: *Provided, however,* the Court, at any time before confirmation, may, in its discretion, open the account for additional evidence.

Failure of either party to attend.

Time to offer further evidence.

Witness, how re-examined.

**SEC. 10.** Upon a reference, a witness cannot be examined, either by the Master or the party whose witness he is, to the same matter, to which he has been examined in chief before the hearing of the cause, without an order of the Court or of the Master upon affidavit showing sufficient cause therefor, but he may be examined touching any other matter.

Master may, at discretion.

**SEC. 11.** A witness once examined by the Master, may be re-examined by him at his discretion.

Exceptions to Master's report.

**SEC. 12.** The exceptions to the Master's report shall be filed on or before the second day of the term to which the report is made returnable, unless the cause is sooner reached on the docket, and in that event the exceptions must be filed at the calling of the cause; and in either case, the exceptions shall be immediately set down by the Clerk for argument, and shall be disposed of by the Court when the cause is reached for trial.

How made as to form and matter.

**SEC. 13.** The exception shall clearly and distinctly state the matter or item excepted to, and shall refer to the page or pages of the report which show the item or matter excepted to, and shall also refer to the page or pages of the depositions, or other part of the record, by which it is sought to impeach the report.

Failure to file exceptions.

**SEC. 14.** After the time allowed for filing exceptions shall have expired, and none have been filed, the report may be confirmed, unless for good cause shown a longer time is allowed.

And when heard.

**SEC. 15.** All exceptions to reports shall be heard and disposed of as other motions, provided they shall be disposed of when the cause is reached.

## RULE V.

### PRO-CONFESSO, PROCEEDINGS UPON, &C.

SECTION 1. It shall not be necessary to give notice to a party upon a reference for an account, when the cause is standing upon a *pro-confesso* decree against such party, unless said party resides in the county. Motion not necessary after *pro-confesso*.

SEC. 2. In all cases in which a *pro-confesso* decree is set aside, pending the cause, and the party allowed to answer, upon filing the answer the defendant shall have the right to cross examine the witnesses, whose deposition has already been taken, without any leave of the Court, and may have all proper process to compel their attendance, but must give notice to the opposite party of the time and place, as in other cases of taking depositions.

## RULE VI.

### INJUNCTIONS, GRANTING AND DISSOLVING.

SECTION 1. In all cases of Injunction bills, in which the oath of the defendant to answer is waived, he may nevertheless, for the purpose of a dissolution of the Injunction, swear to his answer without leave of the Court; and upon notice to dissolve upon bill and answer, the answer may be looked to for that purpose as fully as if permission of the Court had been obtained. A waiver of oath to answer, defendant may still swear to it for one purpose.

SEC. 2. The notices of a motion to dissolve an Injunction shall, in all cases, state upon *what* the motion is based, whether for want of equity on the face of the bill, or upon bill and answer. Notice to dissolve, substance of.

SEC. 3. Upon the hearing of a motion to dissolve an Injunction upon bill and answer, the fact that the answer has been excepted to, or that the time to file exceptions has not elapsed, shall not postpone the hearing of the motion to dissolve, but the Chancellor may, without passing upon the exception, dispose of the motion to dissolve. Exceptions to answer shall not delay the motion 4446.

SEC. 4. If in a bill tendered for a fiat for an Injunction, the complainant admits any money to be due the defendant, or fails to allege any sufficient equity against any part of the matter sought to be enjoined, the Judge or Chancellor shall either order the issuance of the Injunction as to so much only as to which there is sufficient equity, or in case the whole matter is enjoined, it shall, besides the bond required by law, be also required that the complainant pay into Court the amount admitted. Upon what terms Injunctions shall be granted in certain cases.

to be due, or otherwise perform the fiat as to any part of the matter sought to be enjoined and as to which no Injunction is ordered, before Injunction issues.

## RULE VII.

### CONTEMPT.

**SECTION 1.** If a contempt is committed in the presence of the Court, the offending party may be arrested by the officer waiting upon the Court, upon the verbal order of the Chancellor, without process or notice, and the contemner shall not be bailable, but the Court may proceed at once to fine or imprisonment, or both, but the minutes shall show the penalty inflicted and the matter of contempt.

**SEC. 2.** In all cases of contempt committed not in the presence of the Court, the mode of proceeding shall be as follows:

**SUB SECTION 1.** A petition shall be filed stating the contempt complained of, supported by affidavit together with such exhibits and returns of officers, or certified copies thereof as may fully show how the contempt arose.

**2D.** Thereupon the Chancellor, if sufficient cause is shown, shall order the issuance of an attachment for the body of the the contemner, fixing in said order the time and place of the appearance to answer, and also the amount and character of the bail-bond to be taken.

**3D.** The Chancellor, upon the appearance and answer of the contemner or production of his body and refusal to answer, shall hear said proceedings at the time and place designated, unless upon cause shown, he shall give further time, upon the petition, affidavit and exhibit, and answer thereto in case the contemner answers, and if he fails to answer, then upon the case made by the petition.

**4TH.** In case the contemner does not appear as required by his bond, judgment shall be rendered against the parties thereto for the full amount thereof, and in case an alias attachment be issued and the contemner be arrested, no bail shall be taken unless the contemner show good cause for his default either before the Commssioner in vacation, or before the Chancellor in term time.

**5TH.** If a forfeiture is taken upon the bond and the term of the Court is passed, the Chancellor shall certify the fact together with the papers to the Master, who shall immediately enter judgment upon the bond for the

Contempt in presence of Court, how punishable.

How to proceed in all cases of contempt committed not in the presence of the Court.

Issuance of attachment on body.

If contemner appear.

If contemner does not appear.

Alias attachment.

Forfeiture, how taken.

Judgment.

amount of the same against the principal and his sureties, and also for costs, and award a *hæri facias*, and the Money collected shall be paid into Court, and all, or so much thereof as is deemed proper by the Court, shall be paid. lected, how paid.

so much thereof as is deemed proper by the Court, shall be paid to the injured party, and the balance shall be paid by the Master into the treasury of the State.

6TH. If a witness, after having been duly summoned, fails to appear before the Master upon return of an officer or proof by affidavit of such service, the Master shall issue an instanter attachment for him, and designate therein the penalty of the bond conditioned for his appearance before the Chancellor at a time and place to be specified if practicable, or before the Court at the next succeeding term, if it be not then in session, to show cause why he should not be fined or committed according to law. Witness failing to appear before Master, how to proceed.

SEC. 7. If a witness should appear and refuse to answer legal interrogatories, he shall be committed by the Court or Master, until he consent to give his testimony. Witness refuses to answer, how to be proceeded with.

SEC. 8. The Master may, on application of complainant, issue an attachment against a defendant for want of an answer, where the time for answering has expired. Attachment for defendant failing to answer.

SEC. 9. If the Clerk and Master fail to comply with an order of reference made by the Court under the provisions of law, and the rules as above, he shall forfeit and pay fifty dollars for every such failure, unless he show by oath, to the satisfaction of the Court, he has been guilty of no contempt or culpable neglect of duty.

## RULE VIII.

### CONTINUANCE.

SECTION 1. After a cause shall have been once continued by either party, no other continuance shall be granted except upon payment of all costs then accrued, including State and County tax, and execution shall issue for such costs against the party continuing and his sureties.

SEC. 2. When a cause shall be continued by consent, the Chancellor may tax the costs as he may deem proper, or reserve the same until final decree.

## RULE IX.

### MOTIONS.

SECTION 1. The Court may hear motions at such times as may be convenient. Motions heard at convenience.

## RULE X.

## HEARING.

**SECTION 1.** The complainant or his solicitor, before presenting a cause for hearing shall cause all the depositions and other papers intended to be used by him on the trial, except the pleadings, to be neatly put together in one or more packages, and securely fastened together at the top, and the same paged, and a general index of the contents made at the conclusion or beginning thereof. The defendant or his solicitor shall in like manner prepare all papers and depositions intended to be used by him.

How papers shall be prepared for hearing.

**SEC. 2.** When a cause is called, each solicitor shall produce and read to the Court, a brief written with ink, plainly showing the point in the cause raised by the pleadings and the proof, together with the authorities relied on in argument, otherwise the Court may in its discretion delay the hearing until the rules are complied with.

Brief of solicitor.

## RULE XI.

## PROOF, TRIALS, TERM, &amp;C.

**SECTION 1.** Whenever the terms of a Court shall continue for a sufficient time, all process which shall have been issued for more than five days before the first day of the term, may be made returnable to any Monday of the term, and if the same shall be executed five days before such return day, the defendant shall cause his appearance to be entered and make defense or obtain time therefor within three succeeding days, and the cause shall stand to be proceeded in at that term.

Proof issued 5 days before Court, returnable to any Monday of term.

To be proceeded with at that term.

**SEC. 2.** If such process is executed within the five days before such return day, then the same shall be returned to the succeeding Monday, and the defendant allowed the three succeeding days thereafter to cause his appearance to be entered and make defense or obtain time therefor, and the cause shall stand to be proceeded in at that term.

If served within 5 days.

Two foregoing shall apply to publication.

**SEC. 3.** The two foregoing rules shall also apply to cases in which publication is made for a defendant.

**SEC. 4.** Alias or mense process taken out at any time, may be returnable to any Monday of the term, and if



executed five days before the return day, the defendant shall have the first three days of the term, if the Court hold so long, otherwise on the first day of the term in which to cause his appearance to be entered, or to make defense or to obtain time therefor, and after said three days or said first day as the case may be, the same shall stand to be proceeded in for all purposes.

SEC. 5. If said alias or mense process shall be executed within the five days before the return day, the cause shall stand over to the succeeding Monday, and then to be proceeded in as in Section IV, above.

Alias and mense process returnable to any Monday of term.

If latter is executed 5 days before return day.

## RULE XII.

### CORPORATIONS.

SECTION 1. Any person opposing the organization of a corporation, shall be required to make defense by plea, motion to dismiss, demurer or answer, as in other cases in Chancery.

How opposition to be made.

SEC. 2. If the opposition is made by answer, the same shall be put in under oath and shall state in brief the causes why said organization should not be allowed.

If by an answer, to be sworn to.

SEC. 3. The petition and answer shall merely operate to make the issue or issues.

Shall make up issue.

SEC. 4. All the evidence in such cases shall be by depositions taken as in other suits in equity.

Evidence, how taken.

SEC. 5. All applications for the organization of corporations shall be put upon the rule docket, and if not opposed, shall be heard upon motion. Applications which are opposed shall be put upon the hearing docket, upon the filing of the answers, and shall in all respects be proceeded in as in other causes in equity.

How heard.

## RULE XIII.

### ENROLLMENT.

SECTION 1. Upon the filing of any paper in a cause, including the pleadings, exhibits, depositions or other documents, the Master shall cause the same to be copied into well bound books, noting upon the rule docket the book and pages into which the same have been transcribed.

When to be enrolled.

SEC. 2. Any paper lost or mislaid may be supplied from the enrollment book; the Master certifying that the same is a full, true and perfect copy, and shall be

Papers lost, how supplied

used on the trial of the cause, or the enrollment book itself may be used.

Supersede all other enrollments. SEC. 3. The enrollment herein provided shall supersede all other enrollments now provided by law, and the fee of the enrollment shall be included in the bill of costs.

## RULE XIV.

### RE-SALES.

Re-sales. SECTION 1. If the purchaser of property sold at the Master's sale fails to make payment or comply with the terms of sale, the Master may again expose the property to sale, on the same day, or after giving due notice of the time and place, according to the directions contained in the decree.

## RULE XV.

### REHEARING.

Re-hearing. SECTION 1. Every petition for rehearing shall contain the special matter or cause on which a rehearing is applied for, be signed by counsel, and the facts therein stated if not appearing from the proceedings in the Court, shall be verified by oath or affirmation. Such petition must be presented to the Court during the term at which the decree complained of is entered upon the minutes.

Hamilton C. Smith, Chancellor 1st Division.

O. P. Temple, " 2d "

D. M. Key, " 3d "

Albert S. Marks, " 4th "

W. W. Goodpasture, " 5th "

Charles G. Smith, " 6th "

Edward H. East, " 7th "

W. S. Fleming, " 8th "

George H. Nixon, " 9th "

James Fentress, " 10th "

R. J. Morgan, Chancellor of 1st Chancery Court of Shelby County.

William L. Scott, Chancellor of 2d Chancery Court of Shelby County.

Passed December 14, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office, December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN.

*Governor.*

## CHAPTER XCVIII.

AN ACT to establish a Bureau of Agriculture.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be, and he is hereby authorized and directed to appoint and commission two citizens from each Grand Division of the State, as Commissioners of Agriculture, who shall together constitute a Bureau of Agriculture. Commission-  
ers.

SEC. 2. *Be it further enacted*, That said Commissioners shall meet in the Capitol at Nashville, on the fourth Wednesday following the day of their appointment, or as soon thereafter as practicable, and then and there organize a Bureau of Agriculture, by the election of one of their number President and another Secretary. To meet at  
Capitol and  
organize.

SEC. 3. *Be it further enacted*, That said Bureau shall meet once each year, in Nashville, on such day as may be designated by them, and as much oftener as may be deemed necessary. To meet once  
a year.

SEC. 4. *Be it further enacted*, That said Bureau of Agriculture shall appoint a competent chemist, who shall, from time to time, make such analysis of soils, minerals, manures and agricultural products as may be ordered by the Bureau, and report the results to the Secretary of said Bureau for the use of the Bureau. Chemist,  
Commission-  
ers to app't.

SEC. 5. *Be it further enacted*, That the chemist appointed by the Bureau shall, as soon as practicable, call on the secretaries of the various County Societies and Associations to furnish him with samples of the commercial fertilizers offered for sale in their respective counties, in order that he may make analysis of the same, with a view to detect and guard against imposition in the sale of the same. Fertilizers,  
analysis of.

SEC. 6. *Be it further enacted*, That the Bureau of Agriculture may prescribe forms and regulate the returns that may be furnished by the different Agricultural Societies in the State, and furnish the Secretary of each Society with such blanks as may be needed to secure uniform and satisfactory statistics. Forms of  
Returns, Bu-  
reau may  
prescribe.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Secretary to publish annually such statistics and other information as the Bureau may deem necessary to advance the general interests of Agriculture and the ma- Secretary,  
duty of.

**Proviso.** terial development of the State; *Provided*, that the whole number of such reports shall not exceed fifteen hundred copies—three hundred for the use of the General Assembly, and the remainder be distributed by the Bureau in such manner as in their judgment will best advertise the resources of the State. Such reports to be published by authority of the State and be printed by the Public Printers at the rates fixed by law.

**Reports to be published.**

**Reports, what to be included in.** SEC. 8. *Be it further enacted*, That for the purpose of procuring such information, the Secretary of the Bureau shall visit the different sections of the State; and also include in his reports the methods of farming in use, the variety of crops and stock grown, the special capacities and aptitudes of the soil to the various products of the lititude and climate, the needs of the farmers, and such other matters as will convey a proper idea of the resources of the State to practical men.

**Per diem & mileage of members.** SEC. 9. *Be it further enacted*, That the members of the Bureau of Agriculture shall each receive four dollars per day while actually engaged in the performance of the duties of the Bureau, and the rates of mileage allowed to the members of the Legislature; *Provided*, that the term of service for which they are paid shall not exceed fifteen days for any one year.

**Proviso.**

**Secretary, salary expenses of.** SEC. 10. *Be it further enacted*, That the Secretary shall be entitled to and receive an annual salary of six hundred dollars, and actual traveling expenses incurred while in the discharge of his duties as Secretary of said Bureau of Agriculture; the account of said expenses to be rendered under oath, subject to the approval of the Commissioners of said Bureau of Agriculture; *Provided*, that said expenses shall not exceed one thousand dollars per annum, at the discretion of the Commissioners of said Bureau of Agriculture.

**Proviso.**

**Chemist, fees of.** SEC. 11. *Be it further enacted*, That the Chemist shall receive a reasonable fee for each analysis that may be ordered by the Bureau of Agriculture; *Provided*, that the sum of such fees shall not exceed five hundred dollars per annum.

**Proviso.**

**Com'is'ners, term of.** SEC. 12. *Be it further enacted*, That one-third of the Commissioners first appointed shall hold office for two years from the day of their organization; one-third for four years; and the remaining third for six years; *Provided*, the president first chosen shall hold office for four years. In case of vacancy by death, resignation or otherwise, the Governor shall make an appointment for the

**Vacancies, Governor to fill by appointment.**

unexpired term of such member. After organizing, the respective terms of office of the members, shall be determined by lot.

SEC. 13. *Be it further enacted*, That the Commissioners of said Bureau of Agriculture are hereby authorized to order the printing and publishing of as many additional copies of the Annual Report of the Secretary of said Bureau as can, in their judgment, be sold at a reasonable price, the profit on which shall go to the Treasury of the State. Reports, annual, to be printed.

SEC. 14. *Be it further enacted*, That the public welfare requires that this Act take effect from and after its passage.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER XCIX.

AN ACT to define the duties and fix the salary of the Attorney General and Reporter for the State; and to secure the copy right of the reported decisions of the Supreme Court of Tennessee to the State, and to provide for the printing, distribution and sale of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, the salary of the Attorney General and Reporter of the State of Tennessee shall be three thousand dollars (\$3,000) per annum, payable quarterly, in the same manner that the Supreme Judges of the State are now paid; that it shall be his duty to report any written opinion of the Supreme Court that may be pronounced by the Court, or any Judge thereof, in which any other points of law are decided, than such as are settled in some previously reported decisions, and all the opinions the Court may direct him to report. He shall prepare the case and Att'ney General, salary of.  
Duty of.

**Syllabus.** opinion so pronounced thereon, with the proper syllabus of the points therein, and deliver the same to the Comptroller of the State as soon as practicable after the same shall have been pronounced by the Supreme Court, or any Judge thereof, as aforesaid. It shall be also his duty, in the report of each case, to give the name of the Judge or Chancellor who made the decision in the Court below, and the time and place of said decision; also, the name of the Judge pronouncing the same in the Supreme Court, after the same manner as the opinions are now arranged and prepared.

**Points decided.** 3d. He shall also state the position assumed by counsel in argument on the points passed upon by the Supreme Court, and the authorities cited and relied on, but no more.

**Synopsis of facts.** 4th. He shall also make a brief synopsis of the statement of facts, if the same is not sufficiently stated in the body of the opinion.

**Advise Governor, Secretary of State.** SEC. 2. *Be it further enacted*, That it shall also be the duty of the said Attorney General and Reporter to attend to all business of the State, both civil and criminal, in the Supreme Court, and to (advise) the Governor and Secretary of State, when called on for any legal advice required in the discharge of their official duties, and to examine and certify all bills of costs of cases in the Supreme Court in which the State is interested, before they are ordered to be paid by the State; and to attend to any or further duty which may be imposed on him by law.

**Failure or refusal.** SEC. 3. *Be it further enacted*, That if the said Attorney General and Reporter should fail or refuse, within a reasonable time after the said opinions shall have been pronounced by the Supreme Court, to deliver the same, so prepared, for publication, as aforesaid, to the Comptroller of the State, as aforesaid, it shall be the duty of the said Comptroller to suspend the payment of the salary of said Attorney General and Reporter, or any part thereof, until he shall deliver the said opinions, so prepared for publication, as aforesaid, to him for publication.

**No emoluments allowed.** The said salary of \$3,000 shall be in full for all his services as such Attorney General and Reporter, and he shall receive from the State no further pay, emolument or perquisite, unless the same shall be especially provided by law.

**Comptroller, duty of.** SEC. 4. *Be it further enacted*, That it shall be the duty of the Comptroller of the State to have the said opinions so prepared and delivered to him by the said Attorney

General and Reporter as aforesaid, printed, indexed, and bound at the cost of the State, in the same style and manner that they are now printed, indexed and bound, to contain not over 800 pages, by the Public Printer, at the price now fixed by law, as soon as practicable after the same shall have been delivered to him by the said Attorney General and Reporter as aforesaid, and the number of copies so printed and bound, as aforesaid, of each volume, shall not exceed 3,000 for the first edition, and he shall have the books stereotyped, and deliver the plates of the same to the Secretary of State, who shall preserve them for the use and benefit of the State, and the said Secretary shall give bond and security in the sum of \$2,000 for the faithful performance of this duty.

Reports not to contain over 800 pages.

Reports to be stereotyped and plates filed with Sec of State who shall give bond, &c.

SEC. 5. *Be it further enacted*, That the Comptroller shall furnish each Judge and Chancellor in the State, and each Circuit, Chancery, Criminal and Common Law Court in the State, with a copy of each volume of said reports, so published as aforesaid, gratis, and he shall, in like manner, deposit with the Secretary of the State, twenty-five copies of each volume, to remain in his office subject to the direction of the General Assembly, and also a sufficient number of copies to exchange with the department and libraries of the United States, and with the several States and Territories, as directed in section 34 of the Code, in relation to acts and journals, and the Secretary of State shall immediately distribute the same, as therein directed, at the expense of the State.

Comptroller shall furnish reports to Judges.

25 copies for archives.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Comptroller, immediately upon the receipt of the books so published, as aforesaid, to forward, at the expense of the State, a sufficient number of copies of said reports to supply the demand, to the Clerks of the Supreme Court of each grand division of the State, who shall sell the same, at a profit of not exceeding one dollar on the original cost, the price to be fixed by the Comptroller, and said Clerks shall give bond, with good and sufficient security, to be approved by some one of the Supreme Judges of the State, in such an amount as the Judge taking the same shall direct, a copy of which bond shall be spread upon the records of their respective Courts, and the original of which shall be deposited with the Comptroller, and the said Clerks shall report to the Comptroller quarterly the number of books sold, and the money received for the same, and pay over the money to the Comptroller; and in default thereof he shall be liable

Comptroller, duty of.

Clerks of Supreme Court to sell reports.

Clerk to report to Comptroller, amt of sales.

on his said bond, by motion, in any Court of competent jurisdiction within his grand division. This motion to be made by the Attorney General of the district in which such default may be made.

Additional  
copies to be  
print'd when

SEC. 7. *Be it further enacted*, That if the number of copies printed of the first edition, as aforesaid, should not be sufficient to supply the demand for the same, then it shall be the duty of the Comptroller to call on the Secretary of State for the said stereotyped plates, and have a sufficient number of copies as in his discretion may seem necessary to supply the demand printed, but no edition to exceed 3,000 copies.

Sec. of State  
to receive  
money from  
sales.

SEC. 8. *Be it further enacted*, That the money arising from the sale of said books shall be paid over by the Comptroller to the Secretary of State, and accounted for as other public moneys of the State.

Laws re-  
pealed.

SEC. 9. *Be it further enacted*, That so much of an Act passed on the 8th day of July, 1870, entitled, "An Act defining the powers and duties of the Attorney General and Reporter for the State," as conflicts with this Act, and all other laws and parts of laws inconsistent with the provisions of this Act be and the same are hereby repealed.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER C.

AN ACT to authorize the removal of the county seat of Smith county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, as follows: At the regular election to be holden in August next, the Sheriff of Smith



county, or other officer holding said election, shall open and hold an election at all the voting places in said county, in which election all the qualified voters may vote for or against the removal of the county seat of said county from Carthage. Election, Sheriff to hold.

SEC. 2. *Be it further enacted*, That at said election those who are in favor of the removal of the county seat shall have written or printed upon their ballots, "For removal of the county seat," or words of like import; and those opposed to the removal of the county seat shall have written or printed upon their ballots, "Against removal of the county seat," or words of like import. For removal of county seat.

SEC. 3. *Be it further enacted*, That said election shall be held by the officers, judges and clerks holding the regular election, and the words herein provided for may be written or printed upon their ticket or ballots cast for candidates at said regular election, and may be held and counted therewith. Ballots may be written or printed.

SEC. 4. *Be it further enacted*, That the Sheriff or other officer holding said election, shall compare the votes upon the question of the removal of the county seat from Carthage, and report the number of votes cast for and against such removal to the County Court of Smith county at the next term after said election. Reports to be made to Co. Court.

SEC. 5. *Be it further enacted*, That if two-thirds of the qualified voters of said county, as shown by the last census, shall be in favor of and vote for the removal of the county seat of said county from Carthage, the County Court of said county shall notify the Commissioners hereinafter appointed of the result of said election, and order the return of the Sheriff of said election to be spread upon the minutes of the Court. Returns to be spread upon minutes of Court.

SEC. 6. *Be it further enacted*, That W. G. T. Underwood, of District No. 1, E. W. Cornwell, of District No. 2, James Haynie, District No. 3, J. H. Burnett, District No. 4, D. A. Witt, District No. 5, Ward Ballow, District No. 6, M. Lancaster, District No. 9, David Smith, District No. 10, James McKinney, District No. 11, William Gann, District No. 13, Edwin Atwood, District No. 19, W. M. Nixon, District No. 20, James G. Wyatt, District No. 21, W. V. R. Hallam, District No. 12, Thos. Crutchfield, District No. 14, William Bridges, District No. 15, H. J. Perkins, District No. 16, John P. Yelten, District No. 17, D. A. McCathron, District No. 18, are appointed Commissioners, whose duty it shall be, upon being notified that the result of said election has been in favor of Commissioners appointed. Duty of.

said removal, to select one or more places for the location of the new county seat, and make a written report of such selection to the next term of the County Court of said county, which report shall be spread upon the minutes of said Court.

Majority  
may act.

SEC. 7. *Be it further enacted*, That a majority of the Commissioners appointed by section 6 of this Act, shall be authorized to act, and a majority of those acting shall have the power to select the place or places for the new county seat, and report to the County Court.

Co'ty Court  
shall design-  
ate time and  
place for  
Commiss'ers  
to meet.

SEC. 8. *Be it further enacted*, That the County Court, on notifying the Commissioners as herein provided, shall designate the time and place for them to meet, and said Commissioners shall then meet and act, or adjourn to another day.

County Co'rt  
to order an  
election for  
permanent  
county site.

SEC. 9. *Be it further enacted*, That upon filing said report with the County Court, the same shall be spread upon the minutes, and the Court shall order the Sheriff of Smith county to open and hold an election in the several precincts of said county to fix the location of the new county seat. At said election the voters shall write upon their ballots the name of the respective places voted for, designated in the report of said Commissioners, and the place receiving the highest number of votes cast in said election shall be the county seat of Smith county.

County Co'rt  
to provide  
for removal  
to new co'ty  
site, and pro-  
vide county  
buildings.

SEC. 10. *Be it further enacted*, That upon the return of the Sheriff of said election to the County Court, it shall be the duty of said Court to provide for the removal of the county seat from Carthage to the place thus selected, and said Court is authorized to sell the public buildings and real estate at Carthage, belonging to the county, and to provide for the erection of the necessary public buildings at the new county seat, in such way as the Court may deem best for the interest of the county.

Records, &c.  
to be remov'd  
and recogni-  
zances, &c.,  
to have same  
force.

SEC. 11. *Be it further enacted*, That if said county seat shall be removed, as herein provided for, the records, books and papers of the various Courts and county officers at Carthage, shall be removed to the new county seat, and the Courts held there; and all bonds, records, papers, obligations, recognizances and process previously executed, shall have the same force and effect as if the county seat remained at Carthage, but the several Courts shall be held at Carthage until proper arrangements are made for holding the same at the new county seat as herein provided.

SEC. 12. *Be it further enacted*, That all laws and parts Acts repeal'd of laws in conflict with this Act be and the same are hereby repealed.

Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CL.

AN ACT to provide revenue for the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State tax on every one hundred dollars worth of property, upon which taxes are by law assessed for State purposes, shall be forty cents. Tax 40 cts.

SEC. 2. *Be it further enacted*, That section 1 of an Act Act May 24, passed May 24, 1860, be so amended as to read, "on 1860, am'ded each presentment or indictment, five dollars."

SEC. 3. *Be it further enacted*, That a tax of five dollars shall hereafter be imposed upon each defendant in State in Supreme cases in the Supreme Court, where said defendant has the Court taxed cost to pay. Defendants \$5.00.

SEC. 4. *Be it further enacted*, That in all criminal causes submitted under the small offense laws, before a Justice of the Peace, a State tax of two dollars in each case, in addition to the fine imposed. And the bond required to be executed by section 5004 of the Code of Tennessee, by Justices of the Peace, shall be held to include and make liable the officers mentioned in said section for the tax imposed and collected under this section, except that said State tax shall be by said officers paid to the Clerks of the County Courts of their respective counties instead of to the County Trustees. Crimi'l cases under small offense law, tax upon. State tax to be paid to County C't Clerk.

SEC. 5. *Be it further enacted*, That in all criminal causes, before any Mayor or Recorder's Court in this State, the defendant, or the party taxed with the cost, shall pay a State tax of two dollars to be collected by said Recorder, and paid over by him to the County Court Causes before any Mayor or Recorder, tax upon

Clerk of the county, as in cases of Justices of the Peace, Sheriffs and Constables, under the preceding section. And the County Court Clerks receiving revenue provided for in this Act, are hereby directed to pay over to the State Comptroller, said revenues so received, as other State revenue received by them, and Magistrates and Recorders so paying money to the Clerks shall take from the Clerks duplicate receipts for the same, one of which shall be forwarded to the Comptroller of the State.

**County Co'tt Clerks to pay over taxes.** SEC. 6. *Be it further enacted*, That section five of the Act of March 13, 1868, be so amended as that hereafter all claim agents shall pay a State tax of twenty-five dollars, and that architects shall pay a tax of twenty-five dollars each, instead of ten dollars, as now provided by law.

**Claim agents and archit'ts to pay additional tax.** SEC. 7. *Be it further enacted*, That the holders of all State, County and Corporation bonds in this State shall pay an ad valorem tax thereon, equal to the tax on other property, upon the actual value of said bonds in the market; and Section 19 of the Act of March 1, 1869, so far as it exempts said bonds from taxation, is hereby repealed; and that a tax of 6½ cents on the dollar shall be levied on all income derived from United States Government bonds and from all other stocks and bonds not taxed ad valorem. The holders of United States bonds and all other stocks and bonds contemplated in this section, shall report on the first Mondays of May and September, to the County Court Clerks of their respective counties, and state under oath to him the amount of bonds so held, and pay to him the tax thereon.

**Ad valorem tax on bonds.** SEC. 8. *Be it further enacted*, That Section five of the Act of January 24, 1871, to provide for revenue for the State shall be so amended as to read, "That each telegraph company upon receipts from telegrams to and from points in this State, and each railroad company, and every other incorporated company doing business in this State not taxed ad valorem, except charitable, religious and educational, shall be taxed four mills on the dollar on their gross receipts.

**Holders of stocks to report under oath.** SEC. 9. *Be it further enacted*, That Section 6 of an Act passed January 24, 1871, to provide revenue for the State, be and the same is hereby repealed.

**Telegraph and R. R. Cos., tax of.** SEC. 10. *Be it further enacted*, That the several tax collectors of this State shall receive in payment of the taxes assessed and due the State, bank notes of the Bank of Tennessee, denominated and known as old issues of the bank, warrants on the State Treasury, gold and silver,

**Act January 24, 1871, repealed.**

**Money receivable for taxes.**

United States legal tender notes and National Bank notes, and that all laws and parts of laws in conflict with this section, directing revenue officers to receive anything else for payment of taxes are hereby repealed.

SEC. 11. *Be it further enacted*, That the Act passed March 13, 1868, requiring cattle and stock dealers to pay a license tax of \$10, shall not be construed as applying to farmers who purchase stock for their farms and afterwards offer them for sale. Cattle and stock dealers.

SEC. 12. *Be it further enacted*, That all persons doing business in the cities or towns in this State as lumber merchants, shall pay a tax as other merchants. Nothing in this Act shall be so construed as to tax millers. Lumber merchants to pay merchants' tax.

SEC. 13. *Be it further enacted*, That the tax on hacks and omnibus shall be eight dollars per annum on each. Hacks and omnibuses.

SEC. 14. *Be it further enacted*, That the tax on theatres shall be one hundred dollars per quarter. *Provided*, that Section 16 of an Act passed March 1, 1869, be amended by adding to that Section these words, "Pro- Theatres, tax on.

*vided* that the proprietors of variety establishments in towns of 5,000 inhabitants and less, shall be permitted to take out a license for one month by paying a privilege tax therefor of twenty-five dollars; *provided further*, that Section 17 of said Act be amended by adding thereto these words: "*Provided* that persons or companies opening or keeping theatrical establishments in towns of 5,000 inhabitants and less, shall be permitted to take out a license for one month, by paying a privilege tax therefor of forty-five dollars; *Provided* that in towns and cities of 10,000 inhabitants and over five, shall pay a tax of seventy-five dollars per annum." Variety establishments.

SEC. 15. *Be it further enacted*, That the privilege tax on Plumbers and Gas Fitters are hereby repealed. Tax on plumbers & gas fitters repealed.

SEC. 16. *Be it further enacted*, That all laws of the State in reference to taxes, except as altered or repealed by the provisions of this Act, shall remain in full force and effect; and the public welfare requires that this Act take effect from and after its passage. Acts not in conflict with this Act are still in force.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CII.

AN ACT to amend an Act for the Relief of School Teachers, passed January 20, 1871.

WHEREAS, the Teachers of Common Schools in this State have, in many cases, not been wholly paid for services rendered prior to January 20, 1871; and

WHEREAS, the various County Trustees are not fully satisfied as to the true interpretation of the present statute; therefore,

School Teachers, for relief of.

Separate warrants to be issued to each.

Constructi'n, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of an Act for the relief of School Teachers, passed January 20, 1871, be so amended as to read as follows: That the Trustees of each county shall receive all the outstanding duly authenticated accounts for the services of teachers of Common Schools taught prior to January 20, 1871, and shall from time to time forward to the Comptroller of the State Treasury enough of the school warrants issued to him by the State, to cover said teachers' accounts; and shall along with said warrants forward the name of and amount due each of said teachers; and the Comptroller shall issue to each of said teachers a warrant for the amount due him, and shall issue and forward to said Trustee a warrant for the balance due him after deducting the various amounts due each of said teachers.

SEC. 2. *Be it further enacted*, That nothing in this Act shall be construed as in any way to impair or affect the second Section of the Act this is intended to amend. Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CIII.

AN ACT to change the line between the Counties of Hickman and Lewis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Hickman and Lewis be so changed as to include all the lands now owned by Jesse M. Grinnell, near the mouth of Indian Creek, in the County of Lewis; *Provided,* that the legal and constitutional rights of the County of Hickman shall not be interfered with by the passage of this Act. This Act to take effect from and after its passage, the public welfare requiring it.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CIV.

AN ACT to change the line between the Counties of Putnam and Cumberland.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Putnam and Cumberland be so changed as to include the farm and improvements on which John H. Officer now lives, in the County of Putnam, the said Officer having applied for the change of said line.

SEC. 2. *Be it further enacted,* That this Act take

effect from an after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and  
approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CV.

AN ACT to protect all improvements made under the laws of the United States in any river or water course in the State of Tennessee.

**Misdemeanor to injure improvements for navigation, &c.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That wilfully and unlawfully to injure any dam, wall, or other work within this State, made under the laws of the United States to improve the navigation of any river or water course, or to obstruct any channel within this State made or improved for the purpose of facilitating navigation under the laws of the United States, shall be a misdemeanor indictable in any Circuit or Criminal Court of this State within the jurisdiction of which the injury may be done, and shall be punished by a fine of not less than twenty-five dollars.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and  
approved December 15, 1871.

JOHN C. BROWN, *Governor.*



## CHAPTER CVI.

AN ACT to amend Section 2362 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 2362 of the Code, amended, which provides for the administration of insolvent estates in the Chancery Court, when the estate exceeds one thousand dollars in value, be so amended as to read as Estates, &c., follows: When the value of the estate, including both may be administered in the real and personal property, amounts to one thousand Chan. Court dollars, the estate may be administered in the Chancery where will Court of the District embracing the County, wherein the was proved. will was proved, or letters of administration granted, or where the representatives reside or is served with process.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CVII.

AN ACT to amend an Act passed the 13th day of March, 1868, entitled An Act to make the rules of evidence in the Federal and State Courts uniform, and the Acts amendatory thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That nothing in the Act passed on the 13th day of March, 1868, to make the rules of evidence uniform in the Federal and State Courts, nor in any Act amendatory thereof, shall be so construed as to require the parties or either of them, when witnesses in a cause either before a Justice of the Peace, or in a Court of Record, to be put under the rule when the same has been applied for and granted by the Court. Witnesses not required to be put under rule.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CVIII.

AN ACT to provide for the sale of lands which have been sold for taxes due the State, and bought in by the Collectors of Revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor shall appoint a Commissioner for each County in the State, who shall, in the manner as hereinafter provided, proceed to sell and dispose of all lands in their respective Counties that have heretofore been sold for taxes due the State, and bought in by the Collector of Revenue, and which have not been redeemed as provided by law. Said Commissioner so appointed shall give bond and security in the sum of double the amount of taxes bid upon lands in their respective Counties, as other official bonds, conditioned for the faithful discharge of his duties in receiving and paying over any moneys that may come into his hands, arising from the sale of lands for taxes, or for the redemption of lands as hereinafter provided. Said bond shall be taken and approved by the Judge or Chairman of the County Court, and filed with the Comptroller. The Comptroller shall furnish, within sixty days after the passage of this Act, to said Commissioners a correct descriptive list of all lands bought in for taxes due the State, situated in their respective Counties, and which have not been redeemed.

Com'ssioners  
to sell land,  
Governor to  
appoint.

Bond.

Approval.

Comptroller  
to furnish de-  
scriptive list.

Com'ssioners  
to adv'tse, &c

SEC. 2. *Be it further enacted*, Upon said Commissioners executing the said bond provided for in the first Section of this Act, they shall proceed to advertise for sale all the lands in their respective Counties shown in the

Comptroller's descriptive list to have been sold for taxes due the State, and which have been bought by the State and not redeemed. Said advertisement to be in a newspaper published in the County where the lands are located, and continued for four consecutive weeks; and if there should be no paper in the County, then by four written advertisements posted in four of the most public places in the County, one of which shall be at the Court-house in the County, and after so advertising, he shall sell the same to the highest bidder for cash, and upon such sale being made he will report the same with the amount paid for each tract in his report describing each tract with reasonable certainty, the name of the purchaser with a copy of the advertisement accompanying said report, to the next term of the Chancery Court of the District in which the sale is made, and no other notice than the advertisement for sale shall be necessary to bring the owners or claimants of the land so sold into Court. Upon the same being returned into the Court, it shall be entered upon the minutes of said Court, but no judgment confirming said sale shall be pronounced until the term succeeding the one to which the report is returned, when, if the lands are not redeemed as provided for in the third Section of this Act, the Commissioner's sale thereof shall be confirmed, and a decree divesting and vesting title pronounced.

How.

Shall sell to highest bidder.

Shall report to Chancery Court.

Decree.

SEC. 3. *Be it further enacted*, That the owner of the land so sold for taxes as aforesaid shall have the right to redeem from the purchaser, upon paying into the Chancery Court, the amount bid and paid by said purchaser, with the addition of twenty per cent. damages, and all taxes that have been assessed against said lands since it was purchased by the State, and which remain unpaid, on or before the succeeding term of said Court, after the return of said sale, and if the same is not paid as aforesaid, then the Court shall, by decree, vest the absolute title in the purchaser, which decree shall have the force and effect of a deed, and be registered in the Register's office as other deeds; and upon the confirmation of the sale as aforesaid, a writ of possession shall issue, and the purchaser shall be placed in possession thereof.

Right to redeem.

Upon failure to do so, absolute title to vest in purchaser.

SEC. 4. *Be it further enacted*, That if the land so sold for taxes should be recovered from the purchaser by or through any defect in the original sale, the person so purchasing from the said Commissioners, shall not be liable to the original owner for the mesne profits, or for dam-

Purchaser shall not be liable for mense profits.

Proviso.

ages by the detention thereof: *Provided*, that no owner or claimant to any lands sold under the provisions of this Act shall have any right in any Court in this State to dispute the title of the purchaser of the lands sold under the provisions of this Act, unless he alleges and proves that taxes assessed against the land at the time it was sold for taxes, and purchased by the State, had been paid previous to said tax sale. And in the event said proof is made, the purchaser at the sale made under the provisions of this Act, shall have his purchase money refunded to him by an order of the Chancery Court.

Where own'd  
by minors,  
or *femes covert*  
&c., notice  
shall be  
served upon  
guardians.

SEC. 5. *Be it further enacted*, That where it shall appear to the Court, upon the return of the sale by the Commissioner, that the lands so sold were owned by 'minors,' or *femes covert*, idiots and lunatics, then it shall be the duty of the Court to have notice served upon the minors or their guardians for them, who shall defend the same, and upon the *femes covert*, and upon the idiots and lunatics. This notice shall be to appear and show cause why this sale shall not be confirmed. Said notice shall be issued and served twenty days before the next succeeding term after the said sale, and return aforesaid.

Commis'sers  
to report, &c

SEC. 6. *Be it further enacted*, That the Commissioners shall report what lands, so sold by them, belonged to infants or *femes covert*, idiots or lunatics.

Re-sale, in  
case of, cost  
to be added.

SEC. 7. *Be it further enacted*, That where the sale is not confirmed, and the land resold for taxes, that have not been paid, then these costs shall be added and be paid out of the proceeds of the lands so resold, and the clerk's commissions, when lands are resold by the decree of Court, shall, in no case, exceed five dollars, which shall be paid by the purchaser in all cases where the sale is confirmed.

Chancellor to  
examine re-  
ports of Com-  
missioners,  
&c.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Chancellor to examine the reports of the Commissioners, and make all necessary orders, where the confirmation of the sale may be contested, and in all cases where the parties are minors, *femes covert*, idiots or lunatics, and see that the proper steps are taken to perfect the titles, under these sales, and secure the taxes due the State; and it shall be the duty of the Chancellor to designate some competent Attorney, residing in the county where the land is located, (provided that counties having county attorneys, said attorneys shall be designated by the Chancellor in such cases,) in all contested cases, to represent the interest of the State, and for his services the Chancellor shall allow him a reasonable fee.

And appoint  
Attorney, &c

SEC. 9. *Be it further enacted*, That the Commissioners appointed under this Act shall report their proceedings to the Comptroller within thirty days after the adjournment of every Chancery Court, with a list of the lands sold by them, the amount for which they were sold, and pay over the proceeds of said sales to the Comptroller, and if they fail to do so, they shall be liable to be proceeded against by the Comptroller as other delinquent officers. The Commissioners shall receive, as compensation, the same fees that are allowed under existing laws to Collectors of State and county taxes.

Commissioners  
to report to  
Comptroller,  
&c.

Compensa-  
tion of.

SEC. 10. *Be it further enacted*, That all suits, or other proceedings in Court had by the Commissioner or other person, for the accomplishment of the purposes of this Act, shall be in the name of the Treasurer of the State of Tennessee as Superintendent of Public Instruction; and the proceeds of the sale of lands—the title to which the Chancellor shall decree to have passed to the Treasurer as Superintendent of Public Instruction, by virtue of the Collector's sale and purchase—shall be deemed and held a part of the Common School fund; but the proceeds of all lands so sold and purchased, the perfect title to which did not, for any cause, pass to the Treasurer or Superintendent as aforesaid, shall not be deemed a part of said School Fund, but the same shall pass into the Treasury of the State.

Suits to be  
in name of  
Treas'r, &c.

School fund,  
proceeds to  
constitute a  
part of.

SEC. 11. *Be it further enacted*, That whenever any person, whose lands have been sold for taxes and bought by the State, shall pay the Commissioners, before the sale by him, the taxes for which the land was sold, with all costs which have accrued, and six per cent., and other taxes on the land due and unpaid. The Commissioners shall execute a receipt for the taxes due and unpaid, and no sale of the land shall be made.

In case of  
pay't before  
sale, no sale  
to be had.

SEC. 12. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office December 7, 1871, and  
approved December 8, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CIX.

AN ACT to authorize the Commissioners of Internal Improvements to compromise and settle the State debt against the Carthage and Hartsville Turnpike.

WHEREAS, the State of Tennessee loaned the Carthage and Hartsville Turnpike Company six thousand dollars in State bonds, and

WHEREAS, there is now a suit pending in the Smith County Chancery Court, in which the creditors who built the said turnpike are contesting the priority of the State lien to said turnpike, and

WHEREAS, the said turnpike has been sold by consent of parties for the sum of forty-six hundred and fifty dollars, and the litigation is now over this sum. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor, the Secretary of State, Comptroller and Treasurer, be and they are hereby authorized to compromise and settle the State debt against the Carthage and Hartsville Turnpike Company with the other creditors of said company, or their assigns, in such manner, and upon such terms, as shall in their judgment be most advantageous to the State: *Provided*, said Commissioners shall not accept less than three thousand dollars in bonds of the State of Tennessee in compromising said debt.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 13, 1871, and approved December 13, 1871.

JOHN C. BROWN, *Governor.*

Carthage and  
Hartsville  
Turnpike Co.  
Commission-  
ers autho-  
rized to com-  
promise State  
debt in.

## CHAPTER CX.

AN ACT to authorize the Trustees of Rankin Academy to appropriate the Academy Fund to Common School purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John H. Rogers, F. Deakins, D. J. Rogers, James H. Steward and Wm. Rankin, Commissioners of the Rankin Academy fund, be and they are hereby authorized to use and appropriate the Academy fund, heretofore appropriated for the purpose of building an Academy at Dunlap, to common school purposes. Rankin Academy, fund of appropriated to common school purposes.

SEC. 2. *Be it further enacted*, That said Commissioners shall cause such fund to be equally distributed throughout the county of Sequatchie in proportion to the school population of each district, and the public welfare requires that this Act take effect from and after its passage. To be distributed equally, &c.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and approved December 14, 1871.

JOHN C. BROWN, *Govenror.*

## CHAPTER CXI.

AN ACT to amend the laws in relation to costs in suits brought by poor persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, except for false imprisonment, malicious prosecution and slanderous words any person who has been appointed by any Court of this State the guardian of any idiot, lunatic or person of unsound mind, may commence and prosecute an action without giving bond or security for costs by taking and subscribing an oath that he has no property of such idiot, unatic, or person of unsound mind, out of which to bear Guardian of lunatics may prosecute suit by taking oath, &c.

the expense of such action, and that he verily believes that such idiot, lunatic, or person of unsound mind is justly entitled to the redress sought, nor shall such guardian incur any personal liability for such action, unless so decided by the Court in which such action is brought or decided.

Not personally liable.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXII.

AN ACT to protect and encourage manufactures.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for any person or persons to sell, or in any wise tippie any spirituous or vinous liquor within a radius of six miles of any iron manufactory in our said State, except the limits of some incorporated towns shall approach nearer than six miles of such manufactory, then and in that event it may be lawful for any person having a proper license to sell within the corporate limits of such town or county seat. And any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and subject such person or persons to indictment or presentment, and on conviction shall pay a fine of not less than one hundred nor more than two hundred (and) fifty dollars, and shall be subject to imprisonment for such time as the Court trying the cause may assess against the offender of this act.

Tipping not allow'd with-  
in six miles  
of an iron  
manufact'ry.

\$250 fine for  
so doing.

Not to apply  
to persons  
having a li-  
cense, &c.

SEC. 2. *Be it further enacted,* That the provisions of this Act shall not apply to persons having a license to vend spiritous liquors within the limits specified in this Act at the time of its passage.

SEC. 3. *Be it further enacted,* That this Act take



effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

### CHAPTER CXIII.

AN ACT to punish guardians of persons of unsound mind for misfeasance, malfeasance and non-feasance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That guardians of lunatics, of idiots, or of other persons of unsound mind, shall be prosecuted and indicted for the same abuses, mismanagements, neglects, failures, and other offenses, for which guardians of minors are now presentable and indictable by law, and on conviction shall be punished in the same manner. Guardians, &c., liable to prosecution.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 13, 1871, and approved December 14, 1871.

JOHN B. BROWN, *Governor.*

### CHAPTER CXIV.

AN ACT to reduce the height of post and rail, post and plank, and rock fences.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage

of this Act a substantial straight fence, four and one-half feet high, made of posts and planks, or posts and rails, and a substantial rock fence, four feet high, shall be deemed and held a lawful fence.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXV.

AN ACT to regulate the salary of County Jail Physicians.

Jail Physi-  
cians, salary  
of, to be fix'd  
by County  
Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the compensation to be allowed County Jail Physicians shall be determined and fixed by the County Court of each county, and shall in no case exceed the sum of one thousand dollars per annum.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXVI.

AN ACT to restore the right to the change of venue, and to repeal  
 "An Act to provide for the change of same in certain cases,"  
 passed July 8th, 1870.

SECTION 1. *Be it enacted by the General Assembly of* Act July 8,  
*the State of Tennessee,* That an Act passed July 8th, 1870, 1870, rep'd  
 be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That as the public in-  
 terest requires it, this Act take effect from and after its  
 passage.

Passed December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 13, 1871, and  
 approved December 13, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXVII.

AN ACT for the relief of Nourse Academy at Sparta, Tennessee.

WHEREAS, The Trustees of Nourse Academy, on the  
 13th day of March, 1862, executed their note to the  
 Branch Bank at Sparta, Tennessee, for the sum of four  
 hundred and sixty-four dollars and seventy-two cents,  
 for money borrowed for the purpose of making improve-  
 ments on said Academy, and

WHEREAS, under provisions of section 1051 of the  
 Code, the Bank of Tennessee is justly indebted to said  
 Academy an amount much larger than is necessary to  
 satisfy the amount of said note. Therefore,

SECTION 1. *Be it enacted by the General Assembly of*  
*the State of Tennessee,* That the Trustee and Attorney of  
 the Bank of Tennessee be, and they are hereby directed  
 to deliver to the Treasurer of said Board of Trustees  
 said note for four hundred and sixty-four dollars and  
 seventy-two cents, signed by W. Leftwich, Treasurer, and  
 other members of the Board of Trustees of Nourse Semi-  
 nary, at Sparta, Tennessee.

Attorney of  
 B'k of Ten-  
 nessee to de-  
 liver note to  
 Trustees of  
 Academy.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and  
approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXVIII.

AN ACT to change the county line between the counties of Scott and Campbell.

WHEREAS, An Act was passed by the General Assembly of the State of Tennessee on the 23d day of January, 1871, entitled, "An Act to change the line between the counties of Campbell and Scott, and

WHEREAS, by said change several voters were detached from the county of Scott and attached to the county of Campbell, contrary to the wishes and interest of said voters, and

WHEREAS, It has been clearly shown by petition and sworn testimony that it is the desire of all of said voters to be added to the county of Scott. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Scott and Campbell be changed as follows, to-wit: Beginning on the top of Fork Ridge in the Scott and Campbell county line, where James Criscillis and Hiram Trammell's lands join; thence with their dividing line, crossing Capuchin Fork of Jellies to the top of the ridge dividing the waters of Capuchin and Trammell's Fork; thence with the top of said last named ridge westwardly to the Scott and Campbell county line, including all of James Blankenship's lands in Scott county: *Provided, however*, that nothing in this Act shall be so construed as in any way to effect the farms of Danswell Trammell, James Smith, John Lay, David Baird, and Joseph Baird, who with their said farms are hereby declared to belong to the county of Campbell.

Scott and  
Campbell  
co'ties, lines  
of changed.

Proviso.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXIX.

AN ACT to repeal an Act passed February 1st, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed February 1st, and approved February 4, 1871, entitled "An Act to re-open the navigation of Big Hatchie River" be and the same is hereby repealed, and that hereafter, as heretofore, in the Big Hatchie River is declared navigable from its mouth only to the railroad bridge in Haywood county, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXX.

AN ACT to secure greater accuracy in surveying lands by preserving the variation of the magnetic needle.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of each

Co. Courts may establish meridian lines. county of the State, may, in its discretion, have established, at or near the county seat, a meridian line of 229,183.12 poles in length, the termini of which line shall be designated by planted stones, with the exact point on each stone marked with "A. X.," or otherwise durably engraved.

Co. Sur'yor to test his instrument by said line. SEC. 2. *Be it further enacted*, That each and every county surveyor shall test his instrument by this meridian line, noting the variation of the compass, (*i. e.*, the difference between the magnetic meridian and the true or astronomical meridian.)

Every six months. SEC. 3. *Be it further enacted*, That each County Surveyor shall test his instrument at least once every six months by the meridian, and that all reports of Surveyors made after the establishment of this meridian, shall show the variation at the last preceding test.

And report to the Co'ty Court. SEC. 4. *Be it further enacted*, That after every test of his instrument made by the County Surveyor in accordance with the foregoing provisions, he be required to report the same to the County Court of his county, and the same shall be recorded on the minutes of the Court.

Misdemeanor, what shall be. SEC. 5. *Be it further enacted*, That it shall be a misdemeanor for any person to wilfully remove, deface, or in any way to interfere with the stones marking the termini of said meridian line, and for so doing, he shall be punished by fine of not less than five dollars, nor more than twenty-five dollars, at the discretion of the Court: *Provided*, that nothing in this Act shall be so construed as to effect surveys heretofore made under variations different from that to be established by this Act, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Fine.

Proviso. •

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN.  
*Governor*

## CHAPTER CXXI.

AN ACT to amend the General Incorporation Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of any Asylum or School heretofore incorporated in the State of Tennessee for the education of the blind, are hereby authorized to accept any grant, deed or conveyance of real estate, gift or appropriation of personal property which may be granted, deeded, conveyed, given or appropriated to them for the use and benefit of such institution, and the same shall be subject to them and their successors' control, jointly and in connection with any gift or allowance made to them by the State. Blind Asylums authorized to receive gifts, donations, &c

SEC. 2. *Be it further enacted*, That any and all property, real and personal, so granted, deeded, conveyed, given, donated or appropriated shall be perpetually used and enjoyed by the blind of the State free of all charge, but upon such terms of admission as to number, age or sex, as the Board may adopt or the General Assembly prescribe from time to time. Said grants to be perpetually used for purposes granted.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it. Acts in conflict repeal'd.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXII.

AN ACT to legalize and authorize subscriptions by incorporated Cities and Towns for the benefit of Railroad Companies created by law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any incorporated town or city in this State has, previous to the passage of this Act, subscribed to the capital stock of any railroad, company created by the laws of this State, and said sub- Railro'd Cos, subscriptions to, when val'd.

Proviso.

In case of  
doubt, a re-  
vote author-  
ized to be  
taken.

Code, Sec.  
1142 repeal'd

scription has been ratified by three-fourths of the qualified voters of said town or city in accordance with the provisions of the Constitution, said subscription shall be deemed a valid and legal subscription, notwithstanding the same may be in excess of the amount provided for in Section 1142 of the Code; *Provided*, that should any doubt exist as to the effect of this Act in legalizing such subscription, any such city or town is hereby authorized and empowered to re-vote the same or any other amount, and the same, when so voted or subscribed, shall be held to be legal and valid, and said Section 1142 of the Code and all other laws or parts of laws in conflict therewith so far as affects the legality of any subscription thus made under the provisions of this Act, be and the same are hereby repealed, but in every other regard to remain full force and effect.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXIII.

AN ACT to amend Sections 1, 2 and 3 of an Act passed March 12, 1860, entitled, An Act to declare Tuscumbia River, in McNairy County, navigable from its mouth to the State line, and for other purposes.

Dams to the  
height of 5  
ft. allow'd on  
Tuscumbia  
River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That nothing in the Act which this is intended to amend, shall be so construed as to prohibit the erection of dams for mills or other manufacturing purposes to the height of five feet.

SEC. 2. *Be it further enacted*, That this Act shall take



effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and  
approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXIV.

AN ACT to modify and amend an Act passed June 11, 1870, entitled an Act to regulate the Elective Franchise.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of Section 1, of an Act passed June 11, 1870, entitled "An Act to regulate the Elective Franchise in accordance with Article IV, Section 1, of the Constitution of the State," as requires "that each voter shall give the Judges of election when and where he offers his vote, satisfactory evidence that he has paid the poll taxes assessed against him for the preceding year," be so amended as to read: *Provided, Proviso.* <sup>Evidence of having paid poll tax, not required at elections in 1872.</sup> that no such evidence of payment shall be required by the Judges of any election to be held in this State in the year 1872.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and  
approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXV.

AN ACT to hasten the adjudication of questions of Public Government.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Courts, to several Courts of this State, to advance upon their dock-adv'nce upon ets causes which may at any time be pending threin, the their dockets decision of which shall directly involve questions con- all causes in- cerning the public revenues, whether of the State Coun- volving ques- tions or incorporated towns or cities, or questions concern- tions of pub- ing the boundaries of counties, towns or cities, or ques- lic govern- tions concerning public officers as to their eligibility, ment, &c. qualifications or appointment, or their lawful functions, so that such cause may be heard and determined with the least delay consistent with the proper investigation of such causes upon their merits; and the public welfare requiring the same, this Act shall take effect on and after its passage.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXVI.

AN ACT authorizing parties defendant in certain actions to sever, and to have the cause as to themselves, transferred to the County of their residence.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That in all suits for damages Defendants in suits for damages to character, right of severance. done the character of any person that may hereafter be instituted, or that may be now pending in any of the Courts of this State, each defendant therein, if there be more than one, at any time before the trial of the cause and final judgment therein, shall have the right, upon motion made in person or by attorney, to sever, and have the suit as to himself separately tried, and the causes after such severance shall stand against each defendant in

all respects in the same condition as if originally instituted separately and alone against him or them, and without regard to the proceedings that may have been had in the cause before severance, each defendant after severance shall be entitled to make his defence anew upon all grounds by answer, motion, plea or demurrer.

Answer by motion, plea or demurer.

SEC. 2. *Be it further enacted*, That in all causes now pending or that may be hereafter instituted in any of the Courts of this State, wherein any one or more of the defendants thereto, shall avail themselves of the right to sever, as provided in the first Section of this Act, then in that event any defendant so severing, who may have been at the commencement of the suit a resident of any other County of the State than the one wherein said suit is pending, and who may have been made a party thereto by service of original or counterpart summons, or otherwise, shall be entitled to have the cause as to himself removed to the County of his residence. The transfer and removal shall be ordered by the Court upon the written application of the party desiring it, which shall be presented by attorney in open Court. The said application shall set forth the name of the County wherein the petitioner resides, and shall ask for the removal of said cause as to himself to a like Court of said County, then to be proceeded with as if originally instituted there. Said application may be sworn to before the Clerk of any County, or before any officer empowered under the law to administer oaths.

Defendant to have the right of severance and change of venue.

Upon writt'n application.

What application shall set forth.

Sworn to.

SEC. 3. *Be it further enacted*, That immediately upon the order for removal being pronounced as provided in the second Section of this Act, the Clerk of the Court wherein said cause is pending shall make out a perfect transcript of said cause including the process, pleadings, proof, orders and other proceedings so far as the same relates to the petition, and transmit the same to the Court of the County of the petitioner's residence, for which the Clerk shall receive the same compensation allowed him for transcripts for the Supreme Court, and which shall in all cases be paid by the petitioner.

Clerk to make out transcript.

And transmit same to co'ty of the petitioners.

SEC. 4. *Be it further enacted*, That should the Court in which the suit is pending fail or refuse to make the order for the transfer of the cause as aforesaid upon the application of any party as herein provided, then in such case the petitioner shall be entitled to appeal to the Supreme Court of the State, and without a confirmation of the action of the inferior court in refusing to transfer

Failure or refusal.

Appeals to Supreme Court.

said cause by the Superior Court, all subsequent action of such inferior court shall be absolutely null and void.

**Benefits to apply to individuals.** SEC. 5. *Be it further enacted*, That the benefits of this Act shall apply to and have full force and effect in all suits for damages done the character of any individual where there is only one defendant, so far as said Act applies to the removal of causes to the County of the defendant's residence, and in all such causes now pending, or that may hereafter be brought against any person in a county not of his own residence, such person or defendant shall be entitled in the same manner and with all the rights and privileges specified and granted herein to defendants where a severance occurs to have said cause removed to the county of his residence and there tried as if originally instituted in such county.

**Rights and privileges.**

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXVII.

AN ACT to amend an Act passed December 21, 1870, entitled an Act to amend an Act passed July 1, 1870, for the sale of the State's interest in delinquent Railroads.

**Tenn. and Pacific R. R. Commissioners to sell.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Commissioners for the State for the sale of delinquent Railroads be, and they are hereby instructed to file a bill in the name of the State, or take any other necessary steps for the sale of the Tennessee and Pacific Railroad, or of the interest of the State therein as provided by the Act which this is intended to amend.

**Bonds hypothecated, to be sold.** SEC. 2. *Be it further enacted*, That the bonds hypothecated by the Tennessee and Pacific Railroad Company shall be sold and the proceeds of sale shall first be applied to the discharge of the sum for which said bonds were hypothecated, and the residue paid into the State

Treasury. But should it not be necessary to sell all of said bonds, then only so many of said bonds shall be sold as will realize a sum necessary for that purpose, and the others shall be deposited with the Comptroller of the Treasury. *Provided*, said railroad company or its stockholders electing so to do, may settle for the State's interest therein without the suit herein provided for, upon the same basis of proportional payment with the purchasers of the Winchester and Alabama, McMinnville and Manchester, Knoxville and Kentucky, and the Cincinnati, Cumberland Gap and Charleston Railroads; that is to say, said Tennessee and Pacific Railroad Company, or its stockholders, may purchase the entire interest of the State therein by paying to the Governor, in lawfully issued bonds and coupons of the State, such proportion of its State debt as will equal the average proportion of the aggregate like debts of the other named railroads which has been realized and secured to the State by sales of the same. The amount so to be paid to be ascertained by said Commissioners, and payment thereof to be made and secured upon exactly the same terms and conditions as those for the other railroads specified. The company to have preference of purchase, and until the second Tuesday of April, 1872, in which to make the first payment, and upon the company's failure to purchase, then the stockholders thereof to have twenty days from the said second Tuesday of April, 1872, in which to purchase and make the first payment, but a purchase by any part of the stockholders to be for the benefit of all stockholders in proportion to their respective amounts of stock, including the Counties of Wilson and Davidson, who may elect to participate in such purchase under its terms, and it being further expressly provided that a sale under provisions of this Act shall forever prevent said Tennessee and Pacific Railroad Company from demanding or receiving any further issue of bonds of the State, under any Act of the Legislature heretofore passed: *Provided, further*, that nothing in this Act shall relieve said Tennessee and Pacific Railroad Company from liability to the State in full, for all such bonds received from the State as may be judiciously determined under suit in the Chancery Court at Nashville to be illegally held by said company. The institution of such suit to be at the sound discretion of said Commissioners under advice of the Attorney General of the State, or such other legal counsel as may be selected, and to be only instituted

How proceeds to be disposed of.

Proviso.

Stockholders may settle.

Basis of settlement.

Payment, how made.

Company to have preference.

Failure of Company.

Stockholders

Wilson and Davidson Counties.

Proviso.

Proviso.

institution of.

Default of suit. within ninety days after the passage of this Act, and in default of such suit settlement under the provisions of this Act to be final, but if the suit provided by this Section be instituted, said company or its stockholders to have sixty days from final decree under the same in which to purchase said Tennessee and Pacific Railroad on the terms herein provided.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXVIII.

AN ACT to provide for filling vacancies in the offices of State and County Judges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever a vacancy shall occur in the office of a Judge of the Supreme Court, either by death, resignation or removal, such vacancy shall be filled by the qualified voters of the State at the next biennial election in August, occurring more than thirty days after such vacancy; and in the meantime the Governor shall appoint a person learned in the law, and constitutionally qualified to discharge the duties of said office until such election can be had.

SEC. 2. *Be it further enacted*, That whenever a vacancy, either by death, resignation, or removal, shall occur in the office of a Circuit Judge or Chancellor, or Judge of a Criminal Court, or Judge of a Special Court of equal dignity with Circuit and Chancery Courts, the vacancy in such office shall be filled by the qualified voters of such Judicial district, at the next biennial election in August, occurring more than thirty days after such va-

cancy, and in the meantime the Governor shall appoint a person learned in the law and constitutionally qualified to discharge the duties of said office until such election can be had.

SEC. 3. *Be it further enacted,* That whenever a vacancy either by death, resignation, or removal, shall occur in the office of County Judge in any county in which that office has been or may be created by the Legislature, the vacancy in such office shall be filled by the qualified voters of the county at the first regular election for any of the county officers in August, occurring more than twenty days after the vacancy, and in the meantime the County Court shall, at its first meeting after such vacancy, elect a person learned in the law, and legally qualified, to discharge the duties of said office until the election by the people can be had.

SEC. 4. *Be it further enacted,* That when any Judge of any Circuit Court, Criminal Court, or Chancellor, or Judge or Chancellor of any Special Court of equal dignity with Circuit or Chancery Court, shall certify to the Governor that he is incompetent to hold his Court, or to try any cause or causes pending in his Court, the Governor shall appoint some person learned in the law, and constitutionally qualified to discharge the duties of the office of Judge or Chancellor to hold said Court, or try said cause or causes.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXIX.

AN ACT to amend Section 1142 of the Code, and repeal the third section of an Act passed January 16, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of section 1142 of the Code, as prohibits any county, incorporated town or city from subscribing stock in railroads running to, or contiguous thereto, to an amount exceeding in the aggregate one-fifteenth of its taxable property, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That section 3 of an Act approved January 23, 1871, entitled "An Act to enforce Article II, section 29, of the Constitution, to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes," be and the same is hereby repealed.

SEC. 3. *Be it further enacted,* That the Sheriff or other officer, whose duty it is or may be to open and hold elections, shall open and hold an election at each and every precinct or voting place established by law in such county, city or town. and his certificate of the result of said election to the County Court, or to the proper authorities of such city or town, shall name in writing each and every precinct or legally established voting place at which an election was opened and held, and each and every one at which said election was not held. If it shall appear that the election was not opened and held in every such precinct and legally established voting place, then said election shall be declared null and void and of no effect unless it shall be made to appear to the satisfaction of the County Court, or city or town authorities, that said officer or his deputy was present at such precinct or legally established voting place on the day and hour required by law, and did endeavor to procure elections for Judges and Clerks to hold said election, and that he was positively unable to do so, and the election at said precinct could not be held for the want of Judges and Clerks to hold it.

SEC. 4. *Be it further enacted,* That no county, city, town or corporation, shall subscribe in aid of any railroad or other corporation an amount in value exceeding one-tenth of its taxable property.

SEC. 5. *Be it further enacted,* That section 1149 of the Code which provides that the money raised under the



provisions of this Article shall be expended within the county in which said stock is taken, or as near thereto as practicable, be and the same is hereby repealed. Sec. 1149 of the Code repealed.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXX.

AN ACT to extend the time now allowed the Clerks of the several Courts for the enrollment of causes; and to suspend motions and prosecutions for delinquencies in the matter of enrollment; and to secure the enrollment of causes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Clerks of the several Courts of this State, and those whose terms of office have expired, shall within twelve months from the passage of this Act, enroll the records and proceedings of all the causes which have been finally determined in their respective Courts, and which by law are required to be enrolled; and in all cases when such Clerks have failed or neglected to enroll the proceedings in any causes thus determined, within the time prescribed by law, the further time of twelve months from the passage of this Act is granted them within which to discharge this duty. Clerks to enroll Records, &c.  
  
In case of failure, further time allowed.

SEC. 2. *Be it further enacted*, That the benefits of this Act are extended to the Clerks of the several Courts, whose terms of office have expired, as well as to those who still continue in office, and to secure to them these benefits, the said Clerks, whose terms of office have expired, shall have access to the files, dockets, minute books and records, containing the proceedings in all causes which are to be enrolled. Benefits of this Act extended to Clerks, whose term of office has expired.

SEC. 3. *Be it further enacted*, That the penalties and remedies prescribed in section 3228 of the Code for de-

Penalties for failures, suspended one year. linquencies in the matter of enrollments, and all prosecutions and motions thereunder for official delinquencies which occurred before the passage of this Act, be and the same are hereby suspended for one year, and no longer ;

Proviso.

Suits to be dismissed.

Proviso.

provided that all suits and motions instituted and pending in any of the Courts of the State, (including any that may be pending in the Supreme Court) shall be dismissed at the costs of the defendants, and upon their motion : *And provided further*, That such dismissal shall not prejudice or bar the renewal of the suit or motion after the lapse of one year after the passage of this Act, in the event any such Clerk may be still in default in not enrolling such proceedings.

Enrollment, expense of, paid by Cl'k.

No fees allowed.

SEC. 4. *Be it further enacted*, That the enrollment herein provided for, shall be done at the expense of such Clerks exclusively, and they shall not be allowed to charge or receive any additional fees therefor, than those already taxed in such cases.

SEC. 5. *Be it further enacted*, That no Clerk shall charge or receive fees for enrolling any cause until the enrollment shall have been made.

SEC. 6. *Be it further enacted*, That the public welfare requiring it, this Act shall take effect from and after its passage.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 14, 1871, and approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXXI.

AN ACT to authorize the several Counties in this State, the lands of which are damaged by the overflow of water, to build levees to protect the same.

WHEREAS, a large amount of territory in this State, adjacent to the large rivers passing by and through the

same, is rendered unfit for occupation and farming purposes by reason of the overflowing of the same, in times of high water in such rivers; and

WHEREAS, in the present condition of the finances of the State, it can give no aid to remedy the evil, therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Courts of the several counties in this State within the limits of which are lands rendered unfit for occupation and farming purposes by reason of the overflowing of the same in times of high water in the rivers adjacent thereto, may issue bonds for the purpose of constructing levees to protect the same. Co'ty Courts may issue bonds for building levees, &c.

SEC. 2. *Be it further enacted,* That before the issuance of such bonds, the approbation of the legal voters of the county within which it is proposed to issue the same, must be first obtained by an election for that purpose held in the usual way in which popular elections are held. Election to be had.

SEC. 3. *Be it further enacted,* That such an election may be ordered by the quarterly session of the County Court of such county. Quarterly session may order an election.

SEC. 4. *Be it further enacted,* That the election shall be advertised at least thirteen days by notices posted up at the different places of voting in such county, specifying the time it is to be held, the amount of bonds proposed to be issued, the time they are to run, the interest they are to bear, and the general direction of the levee projected. Notice of to be advertised &c.

SEC. 5. *Be it further enacted,* That at the election those voters who are in favor of the building of the levee, will put upon their tickets these words, "Levee," and those opposed, "No Levee." Words on ballots.

SEC. 6. *Be it further enacted,* That if three-fourths of the votes cast at such election be in favor of the Levee, the bonds shall be issued and expended in the building of the levee specified. Three-fourths of voters necessary.

SEC. 7. *Be it further enacted,* That the quorum session of the County Court of the county issuing the bonds shall appoint not less than three nor more than five men to superintend the construction of the levee, who shall be denominated "The Levee Commissioners," and who shall, before entering upon their duties, take an oath for the faithful discharge of their duties, and enter into bond Construction of levee, Court to appoint 5 men to superintend the.

Who shall to account for all sums passing into their hands, in such  
take an oath sum as the Court shall deem sufficient.  
and file bond.

SEC. 8. *Be it further enacted*, That said Commission-  
Commission- ers shall employ a competent Engineer to assist them in  
ers to app'int the location and construction of such levee; they shall  
an Engineer have power to let out contracts for the work, either as a  
and to have whole or in parts, and shall draw the bonds to pay for  
further pow- the same as needed: *Provided*, that before the issuance of  
ers. any bonds they shall file with the Chairman of the Court  
a statement of the particular purpose for which they are  
to be used.

SEC. 9. *Be it further enacted*, That said bonds may be  
Denomina- issued in such denomination as shall by the Court issuing  
tion of b'nds. them, be deemed most advantageous to the county, but  
Not to be sold in no event shall any of said bonds be sold by the Com-  
less than five missioners at a discount of over five per cent. below the  
per cent. be face thereof.  
low face  
value.

SEC. 10. *Be it further enacted*, That the quarterly ses-  
County Co'r't sion of the County Court of the county issuing the  
to levy tax, bonds, shall levy a tax upon such things as are taxable  
&c. by law, to raise a fund to pay the interest upon, when  
due, and meet the bonds at their maturity, which shall  
not, under any pretext, be applied to any other purpose,  
and shall be called the Levee Tax.

SEC. 11. *Be it further enacted*, That said Commission-  
Commission- ers may take the real estate of any person, not exceeding  
ers may take the amount necessary for the construction and mainte-  
real estate &c nance of the levee, in the following manner, to wit: By  
How. petition filed in the Circuit Court of the county in which  
the land lies, setting forth in substance,

- Petition, 1. The land wanted.  
what it shall 2. The name of the owner, or if unknown, stating that  
set forth. fact.  
3. With a prayer for the land designated to be decreed  
to the county.

SEC. 12. *Be it further enacted*, That notice of the filing  
Notice of of this petition shall be given to the owner of the land,  
filing to be or if he is a non-resident of the county to his agent, and  
given to own- if a non-resident of the State, notice shall be given in the  
er of land. usual mode by publication in lieu of personal service.

SEC. 13. *Be it further enacted*, That the notice above  
Defendant provided for shall require the defendants to appear on  
to appear. the first Monday in some specified month, and be served  
five days before that day, after which time, if no cause to  
Writ of in- the contrary is shown, the Clerk of the Court shall issue  
quiry, &c. a writ of inquiry to the Sheriff to summon a jury to in-

quire and assess the damages, and the report of the jury shall be reduced to writing, signed by a majority of the persons and returned to the next term of the Court.

SEC. 14. *Be it further enacted*, That if no objection to said report is made, it may be confirmed by the Court and the land decreed to the county, and the amount of damages so assessed to each party by the jury shall be made a part of the record decreeing the title to the county.

SEC. 15. *Be it further enacted*, That the damages so assessed shall be claimed by the persons interested, by written notice to that effect filed with the Clerk of the Circuit Court, within one year from the confirmation of the report of the jurors, and in case of failure to do so, they shall be forever barred.

SEC. 16. *Be it further enacted*, That sections 1329, 1332, 1334, 1336, 1337, 1338, 1341, 1342, 1343, 1345, of the Code of Tennessee shall apply to, and be taken and construed as parts of this Act, in so far as they are applicable to the purposes of the same.

SEC. 17. *Be it further enacted*, That the Commissioners herein provided for are authorized to accept subscriptions of either money or property for the use of the county appointing them, and they may receive subscriptions in this manner, of land lying in other counties and take deeds to the same as Trustees of the county.

SEC. 18. *Be it further enacted*, That the subscriptions so received shall be reported to a quarterly term of the County Court within one year after having been received, and in case of failure they shall each pay the sum of \$300.00, to be collected at the suit of the County Trustee, for the use of the county.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXXII.

AN ACT to establish the County of Crockett, in honor of and to perpetuate the memory of David Crockett, one of Tennessee's distinguished sons.

Crockett  
County es-  
tablished.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established, to be composed of fractions taken from the counties of Haywood, Madison, Gibson and Dyer, to be known and designated by the name of Crockett County, in honor of and to perpetuate the memory of David Crockett, one of Tennessee's distinguished sons.

SEC. 2. *Be it further enacted*, That the County of Crockett shall be bounded as follows, to wit: Beginning at a stake at the edge of low water mark of the middle fork of Forked Deer River, with three birch and three small cypress pointers marked C C L, which stake is situated south  $82^{\circ}$ , east eleven miles and one chain from Dyersburg, the county site of said Dyer county; running thence south  $12^{\circ}$ , west 55 chains; thence south  $18^{\circ}$ , west 80 chains; thence south  $23^{\circ}$ , west 80 chains; thence south  $28^{\circ}$ , west 80 chains; thence south  $33\frac{1}{2}^{\circ}$ , west 80 chains; thence south  $38\frac{3}{4}^{\circ}$ , west 90 chains; thence south  $44\frac{1}{4}^{\circ}$ , west 80 chains; thence south  $49\frac{1}{2}^{\circ}$ , west 80 chains; thence south  $54\frac{3}{4}^{\circ}$ , west 80 chains; thence south  $60^{\circ}$ , west 80 chains; thence south  $65\frac{1}{4}^{\circ}$ , west 80 chains; thence south  $69\frac{1}{2}^{\circ}$ , west 80 chains; thence south  $74\frac{1}{2}^{\circ}$ , west 67 chains to a stake in the south fork of Forked Deer River; thence up said river with the main channel thereof to a point in said river 11 miles and one chain from the town of Brownsville, the county site of Haywood county; thence leaving said river so as not to approach the said town of Brownsville nearer than 11 miles, as follows to wit: running north  $89^{\circ}$ ,  $50'$ , east 54 chains; thence south  $85^{\circ}$ ,  $10'$ , east 80 chains; thence south  $80^{\circ}$ , east 80 chains; thence south  $74\frac{3}{4}^{\circ}$ , east 80 chains; thence south  $69\frac{3}{8}^{\circ}$ , east 80 chains; thence south  $64^{\circ}$ , east 80 chains; thence south  $58\frac{3}{4}^{\circ}$ , east 80 chains; thence south  $53\frac{1}{2}^{\circ}$ , east 80 chains; thence south  $48\frac{1}{4}^{\circ}$ , east 80 chains; thence south  $43^{\circ}$ ,  $10'$ , east 77 chains to a stake in said south fork of Forked Deer River 11 miles from the said town of Brownsville; thence up said river with the main channel thereof to a stake with a gum, poplar and beech pointers, the beech

Boundaries  
of.

marked C C L, April 13, 1871; thence north  $41^{\circ}$ , east by a line known as the McLemore line 836 chains to a stake in the middle fork of the Forked Deer River, about 8 chains above the crossing of said river by the Mobile and Ohio Railroad; thence down said river with its main channel to a stake in said river 11 miles and one chain from Trenton, the county site of Gibson county, with sweet gum, maple and holly pointers, marked C C L; thence leaving said river so as not to approach the town of Trenton nearer than 11 miles, as follows, to wit: north  $88\frac{3}{4}^{\circ}$ , west 8 chains; thence north  $83\frac{1}{2}^{\circ}$ , west 80 chains; thence north  $78\frac{1}{2}^{\circ}$ , west 80 chains; thence north  $72\frac{1}{2}^{\circ}$ , west 80 chains; thence north  $67\frac{1}{2}^{\circ}$ , west 80 chains; thence north of  $62\frac{1}{2}^{\circ}$ , west 80 chains; thence north  $56\frac{1}{4}^{\circ}$ , west 22 chains to a stake in said middle fork of Forked Deer River; thence down said river with its main channel to a stake 11 miles and one chain from Trenton, the county site of said Gibson county; thence leaving said river so as not to approach nearer than 11 miles of Trenton, as follows, to wit: running north  $23^{\circ}$ , west 20 chains; thence north  $18^{\circ}$ , west 80 chains; thence north  $12\frac{1}{2}^{\circ}$ , west 80 chains; thence north  $177^{\circ}$ , west 80 chains; thence north  $1\frac{1}{2}^{\circ}$ , west 40 chains to a stake at low water mark in said river, with a forked water oak pointer, marked C C L, 11 miles and one chain from the said town of Trenton; thence down the main channel of said river to the beginning, as surveyed and marked by Gen. William Connor, of Lauderdale county, Tennessee.

SEC. 3. *Be it further enacted*, That for the purpose of organizing the County of Crockett, that William N. Beasley, John F. Sinclair, J. Frank Robertson, David James, Asa Dean, F. J. Wood, Dr. T. J. Hicks and J. E. Pearson shall be, and are hereby appointed Commissioners on the part of the several fractions in which they reside, who shall, before entering on the discharge of their duties, take an oath before some Justice of the Peace faithfully and impartially to discharge all the duties incumbent upon them in this act, and in all cases of vacancies that may occur among said Commissioners previous to the organization of the County Court of said county of Crockett, the same shall be filled by the Commissioners, and all vacancies occurring after the organization of such Court, the vacancies so occurring shall be filled by said Court of the County of Crockett. The said Commissioners shall enter into such bond and security as may be required by the said County Court of Crockett, made

Boundaries

Oath of.

Vacancies,  
how filled.

Bond of.

payable to the chairman thereof, conditioned for the faithful performance of their duty as required by this Act. A majority of said Commissioners shall constitute a Board competent to do all things herein enjoined on them. They shall keep a regular record of all their proceedings as Commissioners, which shall be returned to the County Court of Crockett at its first session, and the same shall be recorded by the Clerk thereof on the records of said Court, and they shall make such returns after the organization of said Court as shall be directed thereby.

Record, shall  
keep.

Commission-  
ers.

Duties of.

Election shall  
be held, &c.

Ballots,  
words of

Census, to  
provide for  
taking the.

Courts to be  
held at Cag-  
ville.

SEC. 4. *Be it further enacted*, That it shall be the duty of said commissioner, viz : William N. Beasley and John F. Sinclair, in the fraction of Dyer county ; or Frank Robertson and David James, in the fraction of Gibson ; Asa Dean and F. J. Wood in the fraction of Haywood, and T. J. Hicks and J. E. Pearson in the fraction of Madison county, and they are hereby fully authorized and empowered to canvass and take the census of the qualified voters residing in the fractions in which they reside, proposed to be stricken off in said new county of Crockett. After the enumeration shall be completed the Commissioners, after giving thirty days' notice, shall open and hold an election at all the voting places in the fractions proposed to be stricken off, and at such other places as they may designate in said fractions, at which election those favoring the new county, shall endorse on the ballots, " New County ;" those opposing shall endorse on their ballots, " No New County ;" and if after counting all the votes so taken as aforesaid, it shall appear that two-thirds of all the qualified voters residing in each of the said fractions have given their vote to the formation of said new county, then and in that case the county of Crockett shall be, and is hereby declared a County, with all the powers privileges and advantages, and subject to all liabilities and duties with other counties in this State.

SEC. 5. *Be it further enacted*, That in order to expedite the census and vote provided for in section 4 of this Act, as well as to make certain its accuracy, each one of said Commissioners are hereby empowered to appoint a qualified assistant, who, after being sworn to act impartially in carrying out the provisions of the fourth section of this Act, shall be fully authorized to take said census and consent as aforesaid.

SEC. 6. *Be it further enacted*, That for the due administration of Justice, the different Courts to be holden for said county of Crockett shall be held in the town of



Cageville, until the seat of justice shall be located, and all writs and other process issuing from any of said Courts returnable to that place, shall be legal, and the Courts for the county of Crockett shall be under the same rule, regulations and restrictions, shall have, exercise and possess the same power and jurisdiction as prescribed by law for holding Courts in other counties. Said county shall be attached to the Thirteenth Judicial Circuit, and the Circuit Courts shall be held by the Judge of said Circuit, on the second Mondays of April, August and December in each and every year; and shall be attached to the Eleventh Chancery District, and the Chancery Courts shall be held on the fourth Mondays of May and November in each year.

Attached to  
13th Judicial  
Circuit, and  
11th Chan.  
Division.

SEC. 7. *Be it further enacted*, That all officers, civil or military, now holding office in said county shall continue to hold their offices, and exercise all the powers and functions thereof until others are elected and qualified, according to this Act: *Provided*, that nothing in this Act contained shall deprive the counties from which the fractions have been taken from having, exercising and holding jurisdiction over the county of Crockett and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers takes place according to this Act: *Provided*, also, that nothing herein contained shall prevent the above named counties from entering up judgments, or the sheriffs of said counties from selling, under such judgments, any lands within the bounds of said county of Crockett for taxes, costs and charges, until the county of Crockett is organized.

County officers to continue in office

Proviso.

Proviso.

SEC. 8. *Be it further enacted*, That said Commissioners shall have power, and it shall be their duty to appoint five suitable and qualified individuals to divide said county into not less than twelve Civil Districts, designating the boundaries and places for holding elections in said districts, and perform all the duties relative thereto, which by the laws of the State such Commissioners are required to do.

Civil Dist'ts,  
county to be  
divided into,  
&c.

SEC. 9. *Be it further enacted*, That the Commissioners appointed by this Act shall appoint such person or persons as they may think proper, to open and hold the elections for county officers for said county of Crockett, and such person or persons so appointed shall have power to appoint deputies, clerks and judges, and by himself and deputies to administer all the necessary oaths, and do and perform all other duties now made the duties of

Officers of  
elections,  
powers of.

sheriffs or other officers holding similar elections, and it shall be the duty of such persons so appointed, together with his deputies, after giving fifteen days' notice, to open the polls and hold an election in each civil district in said county for district and county officers, and the officers so elected shall hold their offices until the next regular election for the different officers so elected takes place in other counties in this State.

**To vote with old counties.** SEC. 10. *Be it further enacted,* That the citizens of Crockett county in all elections for Governor, members of the General Assembly, Representatives in Congress, and electors for President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment, agreeably to the provisions of the fifth Section of the tenth Article of the amended Constitution.

**County seat.** SEC. 11. *Be it further enacted,* That it shall be the duty of the above named Commissioners, so soon as convenient after the full and complete organization of the said county of Crockett, to select and establish a suitable location for the seat of justice of the said county of Crockett, having a due regard for health and convenience of a majority of the citizens of said county, and the site so established shall be known and designated by the name of Alamo, to perpetuate the name of the place where David Crockett fell fighting for the liberties of Texas: *Provided, however,* the said Commissioners may at their option put in nomination three places, neither of which shall be more than three miles from the supposed or probable center of said county of Crockett, which places shall be voted for by the legal voters of said county, and the site nominated receiving the largest number of votes shall be, and is hereby declared to be the seat of justice of the said county of Crockett: *Provided, further,* that if said Commissioners should think there was fraud or any other unfair means used in said election, they may at their option set aside such election, and submit the question a second time to the qualified voters of said county, or themselves locate the county site as they may deem best.

**Name of.**

**Proviso.**

**Election may be set aside for fraud &c.**

**Public buildings, erection of.** SEC. 12. *Be it further enacted,* That it shall be the further duty of said Commissioners to superintend the erection of such public buildings as the County Court of said county may direct to be built, and shall let the same out and take bonds, with ample security, payable to themselves and their successors in office, conditioned for the faithful performance of his or their contract, and the

proceeds of the sales of all donations of lands, town lots, or other gifts that may be made in consideration of the location of the seat of justice for said county of Crockett, or otherwise, shall be a fund in their hands to pay the necessary expenses in organizing said county and paying for the erection of the public buildings ordered to be built by the County Court, and should any surplus remain in their hands, it shall be their duty to pay over the same to the Trustee of said county, to be accounted for by him as other funds in his hands. Building fund.

SEC. 13. *Be it further enacted*, That said Commissioners of Crockett county be, and they are hereby authorized to exercise all the powers and privileges conferred on them by this Act, and any and all other powers, not in violation of the Constitution of the State, that may be necessary and proper for the complete setting up and organization of said county of Crockett. Commissioners, powers of.

SEC. 14. *Be it further enacted*, That the fractions composing said county of Crockett shall be liable for their *pro rata* of the debts contracted and owing by the counties from which they were taken, and shall also receive their proportion of any stocks or credits belonging to said old counties. Fractions liable for their pro rata of debts, &c.

SEC. 15. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed November 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 9, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXXIII.

AN ACT to create the office of County Judge for Carroll and DeKalb counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by the

Office of qualified voters of Carroll and DeKalb counties, each, Co'ty Judge for Carroll a person learned in the law, to be styled the County DeKalb Cos. Judge, who shall hold their office for eight years from created. the date of their commission.

SEC. 2. *Be it further enacted*, That the first election Election, for County Judge shall be held at the same place and by time of. the same officers, that other county elections are held, on the first Thursday in August, in 1872, and under the same rules and regulations that are prescribed by law for Vacancies, other county elections. All subsequent elections (except how filled. for vacancies, which shall be filled whenever they occur in the manner prescribed by law) shall be held on the first Thursday in August every eight years thereafter.

SEC. 3. *Be it further enacted*, That the County Judge Commission and oath of. of the respective counties shall be commissioned in the same manner as other Judges of the State, and before entering upon the duties of the office, they shall take an oath to support the Constitution of the United States and of Tennessee, and an oath to discharge faithfully the duties of said office.

SEC. 4. *Be it further enacted*, That the Quorum Courts Quorum C'ts abolished, of Carroll and of DeKalb counties are hereby abolished, and the Judge shall have and exercise all the jurisdiction and powers now belonging to said Quorum Court. and Judge to have jurisdiction of. They shall preside over the County Court at its quarterly sessions, which shall be held as heretofore, and shall have and exercise the same powers, jurisdiction and authority which now belong to or are exercised by the Chairman of the County Court, and shall perform the same duties as required of said Chairman.

SEC. 5. *Be it further enacted*, That the County Courts Regular sessions, time of holding. to be held by the County Judges, shall hold their regular sessions on the first Monday of each month: *Provided*, that on the Mondays of the quarterly sessions of the County Courts, all the business requiring the presence of all or any of the Justices of the counties, shall first be disposed of, after which the County Judges shall of such other business before the Court as by the provisions of this Act is directed to be attended to by them; and said Courts shall sit from day to day, so long as the business thereof may require, and shall have power to keep order by imposing such fines as will effect that purpose.

Order of business.

SEC. 6. *Be it further enacted*, That all jurisdiction and power of the present County Courts over administrators, executors, guardians, wards, trustees, wills, dowers and

petitions for sale or divisions of lands, and of all testamentary and administrative matters or subjects connected therewith, and questions of lunacy, are abolished; and the same are hereby transferred and given to the County Court, to be held by the County Judge, who shall have all jurisdiction, powers and authority now exercised or possessed by the County Court over all these questions: *Provided*, that either party may have the right of appeal from any judgment, order, decree or action of said County Judges, as is now allowed by the laws of this State in other cases.

Powers of  
over admin-  
istrators, ex-  
ecutors, wills  
&c.

Proviso.

SEC. 7. *Be it further enacted*, That the County Clerks shall be and continue the Clerks of the County Court, to be held by the County Judges, and shall have all the powers, jurisdiction and authority now possessed by them.

County Clks  
to continue  
in office.

SEC. 8. *Be it further enacted*, That the County Judges shall be the accounting officers and general agents of the counties, and as such shall have power, and it shall be their duty: 1st. To have the care and custody of all the county property, except such as is by law placed in the custody of other officers. 2d. To control all books, papers and instruments pertaining to their office. 3d. To audit all claims for money against the counties. 4th. To draw and seal with the seal of the County Court all warrants upon the County Treasurer. 5th. To audit and settle the accounts of the County Trustees, and those of any other collectors or receivers of county revenue, taxes or income payable in the county treasuries; and those of any other person intrusted to receive or expend any money of the counties, and to require said officers or persons to render and settle their accounts as directed by law, or the authority under which they may act. 6th. To enter into a book, to be known as the Warrant Book, in the order of issuance, the number, date, amount and name of the drawee of each warrant drawn upon the treasury. 7th. To keep in a suitable book an account of the receipts and expenditures of the county in such a manner as to show clearly the assets of the county, and the debts payable to and by it, balancing said accounts annually, and generally to superintend the financial concerns of the county. 8th. No money shall be drawn out of the county treasury except upon a warrant issued by the County Judges.

County Judges  
to be ac-  
counting offi-  
cers.  
Duty of.

To keep  
books, &c.

SEC. 9. *Be it further enacted*, That the County Judges shall receive five dollars per day during the sitting of the Monthly and Quarterly Courts, and the several Quarterly Courts are hereby authorized to make additional compen-

Per diem of.

Additional compensation of. sation to the Judges by appropriations for that purpose to such amount as said Quarterly Court may deem right, and the Judges shall be paid their compensation quarterly out of the county treasuries upon the Judges own warrants, countersigned by the Clerks of the Courts.

Cl'ks to keep docket of cases tried. SEC. 10. *Be it further enacted*, That hereafter it shall be the duty of the Clerks of said County Courts to keep a docket of all cases to be tried in said Courts, as are now kept by the Clerks of the Circuit Courts.

SEC. 11. *Be it further enacted*, That it shall be the duty of said Clerks to enter upon said docket all suits, motions and actions that may come before said Courts for trial.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXXIV.

AN ACT to authorize the issuing of a summons in attachment cases.

Original attachments, when suits commenced by summons may issue. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all suits commenced by original attachment in any Court of Record, or before a Justice of the Peace, it shall be the duty of the Clerk or justice issuing the attachment, upon application of the plaintiff, to issue a summons also against the defendant for the same cause of action, and in case the summons should be executed on the defendant, no publication shall be made, nor stay of judgment had, as is now required by law in attachment cases.

Form of. SEC. 2. *Be it further enacted*, That the summons shall be in the usual form, and in addition shall notify the defendant that an original attachment suit has been commenced against him, and shall be returned to the same court or justice before whom the attachment shall be returned for trial, and sections 3518, 3519, 3527 and 3528 of the Code be, and they are hereby amended so as to conform to the provisions of this Act.

Code, 3518,  
3519, 3521,  
and 3528,  
amended.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXXV.

AN ACT to change the county line between the counties of Williamson and Rutherford.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Williamson and Rutherford be and the same County lines is hereby so changed as to include in the county of Wil- of William- liamson the lands of T. F. P. Allison, William Patton, son and Ruth- Samuel Willhoite, the lands belonging to the heirs of erford ch'g'd Mrs. Neal and the lands of Thomas Wilson, adjoining the lands of Mrs. Margaret Jordan and others, said land lying along the line of said counties. The said parties having petitioned for the aforesaid change, and not reducing Rutherford below a constitutional limit.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXXXVI.

AN ACT to regulate the compensation of Revenue Collectors, and to amend Section 4565 of the Code, which fixes the fees of the Revenue Collectors.

Rev'nue Col-  
lectors, com-  
pensation of,  
Code 4565,  
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no Collector of Revenue for State, or county, or municipal purposes, shall be entitled to have or receive commission or other fees upon any amount of revenue not actually collected and paid over to the proper authorities to receive the same.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXXVII.

AN ACT to amend Sections 16 and 17 of an Act passed March 1, 1869, amending the revenue laws of the State.

Variety es-  
tablishm'ts,  
tax on.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 16 of an Act passed March 1, 1869, be amended so as to read as follows: Each variety establishment, where the performance consists of singing, dancing, or comic representations and other performances not theatrical, shall take out a semi-annual license, and pay therefor one hundred dollars: *Provided, however*, that a license may be taken for one month by paying twenty-five dollars therefor.

Proviso.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*



## CHAPTER CXXXVIII.

AN ACT to prescribe the terms and modes of admission of patients into the Tennessee Hospital for the Insane.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no person shall be received as a patient in the Hospital except he or she have legal citizenship and residence in the State. <sup>Patients to be legal citizens.</sup>

SEC. 2. Insane persons may be placed in the Hospital by their legal guardians, or by their relations or friends, in case they have no guardians, or by a Justice of the Peace, if the person be proved to be insane, but never under any circumstances except upon the statement of at least one reputable physician based upon personal examination and certificate thereto, made and dated within one month of the presentation of the patient at the Hospital. Such certificate shall be signed and sworn to and attested by a Justice of the Peace or Judge of any Court of record. <sup>Patients, how they may be received. Certificate to be sworn to.</sup>

SEC. 3. Non-paying patients to the number of three hundred may be admitted to the Hospital, one to every four thousand of the population of each county, under these conditions: <sup>Non-paying patients, how many may be received.</sup>

The county from which such patient is sent shall pay the transportation to the Hospital, [and] during the stay of such patient (the Hospital) shall furnish clothing and all proper hospital maintenance and treatment. When the Superintendent of the Hospital shall notify the County Court Clerk of the propriety or necessity of removing such patient, it shall be done at the expense of the county, the charge being limited to the actual expenses. Such patients shall be removed, whenever in the judgment of the Superintendent and President of the Board of Trustees it may be judicious and proper for the interest of the Hospital, of the patient, and of the community. <sup>Transportation, county to pay. Removal to be made at expense of county.</sup>

SEC. 4. For the admission of non-paying patients, the following proceedings shall be had: <sup>Admission, necessary proceedings for.</sup>

1. Some respectable citizen of the county to which the patient belongs, shall file with a Justice of the Peace of the county a statement in writing substantially as follows:

STATE OF TENNESSEE, }  
 ——— COUNTY.

The undersigned, a citizen of said State and county, hereby states that ——— is insane; his insanity is of less than two years' duration (or that his being at large is dangerous to the safety of the community) that he is in needy circumstances and has a legal settlement in the said county, and is a citizen of the State of Tennessee.

Certificate of  
citizen.

These facts can be proved by ——— and ——— (naming at least two persons, one of whom shall be a respectable physician). Dated this      day of      18      .

Subpoenas,  
Justices may  
issue, &c.

2. The Justice shall issue subpoenas on the persons named as witnesses and such other persons as he may think proper, requiring them to appear before him at a specified time, to testify concerning the facts set forth in said statement. Subpoenas may also issue for witnesses in behalf of the person alleged to be insane.

Physician,  
Certificate of

3. If after such inquest the Justice is satisfied of the truth of the allegations set forth in the statement, he shall require the medical witnesses forthwith to make out a certificate, such as is herein set forth, substantially: I, ———, a practicing physician of the county of ———, State of Tennessee, hereby certify that I have this day personally examined ———, alleged to be insane, and pronounced — so; is — years of age, is the subject of no infectious disorder; the disease is of — years' duration; ——— is not the subject of epilepsy; ——— has — attempted to commit violence on —self or others; the medical treatment has been——.

4. The Justice shall certify to his inquest, and attest the signature of the physician under seal. The following words substantially shall be his certificate:

Justice of the  
Peace, certi-  
ficate of.

State of Tennessee, ——— county.—I, the undersigned, Justice of the Peace in and for the county aforesaid, hereby certify that I have held an inquest on ———, of said county, a person alleged to be insane, according to law. I am satisfied that he is insane, on competent medical treatment; that he is a fit subject to be sent to the State Hospital for the Insane, to undergo treatment therein, as an object of bounty of the State. I am further satisfied that his being at large is injurious to himself and disadvantageous to the community. Witness my hand, this ——— day of ———, 18——.

Immediately after the inquest, the Justice shall transmit to the Clerk of the County Court a certificate of these proceedings. The Clerk shall file the same in his

office, and immediately transmit a copy of the same to the Superintendent of the Hospital, accompanied with an application for the admission of the patient therein named to the same. Upon receipt of this application the Superintendent shall immediately advise the Clerk whether and when the patient can be received.

To be filed with County Court Clerk, and a copy to be transmit'd to Superintendent.

6. The Clerk shall thereupon in due season for the conveyance of the patient to the Hospital by the time appointed, issue his warrant to any suitable person for the conveyance of the patient to the Hospital, in the following terms substantially:

Warrant of Clerk.

State of Tennessee, — county.—To —: Whereas all the proceedings necessary to entitle — to be admitted into the Tennessee Hospital for the Insane as a non-paying patient, have been had according to law, you are hereby required forthwith to take said person and convey him to said Hospital, and after executing this warrant make due return of the same to this office.

Form of.

Witness my hand and seal of office, at office, this — day of —, 18—.

—, Clerk.

1. Upon receiving the patient, the Superintendent shall indorse upon the warrant a receipt as follows:

Indorsement of Supt

Tennessee Hospital for the Insane.—Received the patient named in the written warrant.

—, Superintendent.

SEC. 5. Paying patients may be admitted into the Hospital for the Insane under the following conditions:

1. Upon the presentation of the patient, there shall be produced to the Superintendent the receipt of the Treasurer of the Hospital for the Insane for thirteen weeks' charge in advance (or this amount shall be paid to the Superintendent).

Paying patients, how admitted.

2. A bond of the following form and tenor shall be made:

Bond.

Know all men by these presents, That we —, and —, of the State of Tennessee, are held and firmly bound to the Treasurer of the Tennessee Hospital for the Insane, in the penal sum of one thousand dollars, for the payment whereof we hereby jointly and severally bind ourselves. Witness our hands this, — day of —, 18—.

Form of.

The condition of this obligation is as follows: Whereas, —, of this county of —, is about to be admitted as a patient into the Tennessee Hospital for the Insane, now, if while — remains therein the undersigned shall constantly supply — with suitable clothing, and pay

all the charges against —, quarterly in advance, and pay all reasonable charges for injury to apartments and furniture, and in event of escape pay all reasonable charges for — recapture, and if — shall die therein, pay all reasonable expenses incurred for burial, and whenever — removal shall be required, immediately do so, then this obligation shall be void, otherwise it shall remain in full force.

Witness our hands this — day of —, 18—.

3. A medical certificate of the following form, signed by at least one physician of reputable standing, shall be filed with the Superintendent:

Medical Certificate.

"The undersigned, being a physician in regular practice, hereby certifies that on the — day of —, 18—, I personally examined —, of — county, State of Tennessee, and pronounce — insane, and a fit subject of care and treatment in a hospital for the insane. The patient is — years of age; is free from infectious disease; has been insane for —; the disease is (or is not) hereditary; the supposed predisposing and exciting causes are —; is not subject of epilepsy; has (or has not) attempted to commit violence on—self or others."

To contain all facts, &c.

This certificate shall contain all facts known to the maker regarding the insanity of the patient, and shall be signed and attested by a Justice of the Peace.

In reference to removal of

SEC. 6. The Superintendent, by authority of the resident Board of Trustees, or a majority of them, shall have power to require the removal of any patient, paying or non-paying, whenever in their opinion it is advisable to do.

Insanity, plea of. Court to charge jury.

SEC. 7. When the plea of — insanity is urged on behalf of any person charged with a criminal offense, punishable by imprisonment or death, the court shall charge the jury that if, from the evidence, they believe the defendant to be insane, and that it would endanger the peace of the community to set him at liberty, they shall so find. Upon such finding, the court shall direct an order to the Superintendent of the Hospital for the Insane to receive and keep the defendant as others. Which order, together with the defendant, the Sheriff of the county shall deliver to said Superintendent. When in the opinion of the Trustees and physician such patient has recovered from his insanity, they shall cause him to be delivered to the jailer of Davidson county for safe keeping, and immediately transmit to the Clerk of the county in which the patient was arraigned notice of the fact.

Sheriff to deliver patient o Sup't.

SEC. 8. That the provisions of this Act shall apply to patients offered for admission to the Hospital for colored insane. Provisions to apply to colored insane.

SEC. 9. That all laws and parts of laws in regard to the admission of patients into the Hospital for the Insane in conflict with this Act be, and the same are hereby repealed. Acts in conflict repeal'd.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office December 16, 1871,  
and approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXXXIX.

AN ACT to regulate the practice of presenting bills and other matter to the Governor, and of signing the same by the Speaker and the Governor, and of filling the same in the office of the Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every bill, joint resolution or order, except on questions of adjournment, shall, after Acts, &c., after the same has been passed, enrolled and signed by the Speakers of both Houses of the General Assembly, be presented by the Committee on Enrolled Bills of that House wherein such bill, joint resolution or order originated, to the Governor for his signature; and said committee shall report that they have presented the bill, joint resolution or order to the Governor for his signature, and the date of such presentation, which report shall be entered on the Journal of that House to which such committee belongs; *Provided,* that no bill, joint resolution or order shall be presented to the Governor, as aforesaid, until the time for moving a reconsideration shall have expired, unless expressly ordered by that House wherein such bill, joint resolution or order originated; *And provided further,* that the Speaker of the Senate shall first sign all bills and joint resolutions originating in the Senate, and the Speaker of the House of Representatives shall first sign all bills and joint resolutions originating in the House of Representatives. Presentation to be signed by Speaker, &c.

SEC. 2. *Be it further enacted,* That if the Governor

Upon failure of Governor to approve, duty of Committee on Enrolled Bills. shall fail to return any bill, joint resolution, or order, with his objections, within five days (Sundays excepted) after it shall have been presented to him, it shall be the duty of the Committee on Enrolled Bills of that House wherein such bill, joint resolution, or order originated to cause said bill, joint resolution or order forthwith to be re-enrolled; and the same shall thereupon be signed by the respective Speakers of each House, who shall annex and sign the following certificate:

This bill (joint resolution or order) having been presented to the Governor for his signature on the — day of —, and the Governor having failed to return it within the time prescribed by law, the same is hereby declared to have become a law (or in case of a joint resolution, or order, the same is hereby declared to have taken effect). This — day of —, 18—.

\_\_\_\_\_  
Speaker of the House of Representatives.

\_\_\_\_\_  
Speaker of the Senate.

Indorsement of Governor. SEC. 3. *Be it further enacted*, That if the Governor approve the bill, joint resolution or order, he shall write upon the same to the left of and below the signature of the Speaker of the two Houses, the fact and date of his approval as follows: Approved —, 18—; and shall sign the same as follows: — —, Governor.

When pass'd over veto. SEC. 4. *Be it further enacted*, That when any bill, joint resolution, or order shall have been returned duly signed by the Governor, or shall have been passed over his veto, or shall otherwise become a law, the Committee on Enrolled Bills of that House wherein such bill, joint resolution or order originated, shall forthwith file the same in the office of the Secretary of State, and shall report the fact and date of such filing, which report shall be entered upon the journal.

SEC. 5. *Be it further enacted*, That this Act shall take effect from an after its passage, the public welfare requiring it.

Passed December 12, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXL.

AN ACT to amend a Act passed November 17, 1871, to prescribe the mode of cancelling bonds and coupons at present in the Comptroller's office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed November 17, 1871, prescribing the mode and providing for the cancellation of bonds in the Comptroller's office, be and the same is hereby so amended as to require the Secretary of State, Comptroller and Treasurer, in the presence of the Governor, to cancel all bonds that may remain uncanceled at the time of the adjournment of this General Assembly as is by that Act prescribed for cancellation of bonds that may be paid in after adjournment. State officers  
to cancel  
Bonds.

SEC. 2. *Be it further enacted*, That so much of an Act passed November 17, and approved November 25, 1871, as requires the bonds and coupons in the Comptroller's office to be cancelled by a committee of the Legislature, be and the same is hereby repealed. Acts repeal'd

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXLI.

AN ACT to provide New Counties with the Reports and Decisions of the Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the

Secretary of State, and he is hereby instructed to furnish all new counties established since 1860, or hereafter to be established, with the Reports of the Decisions of the Supreme Court of the State of Tennessee, from &c., to new counties. any volumes that are now, or may hereafter, be on hand in the State Library, and which are allowed for distribution.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN.  
*Governor.*

## CHAPTER CXLII.

AN ACT to allow the towns of Charlotte and White Bluff, in Dickson county, and the town of Coopertown, in Robertson county, an additional Justice of the Peace for each town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the towns of Charlotte and White Bluff, in the county of Dickson, be, and they are hereby allowed each an additional Justice of the Peace, with the jurisdiction and powers of like officers in this State, to be elected by the qualified voters within the corporate limits of said towns.

Also the town of Coopertown.  
SEC. 2. *Be it further enacted*, That the qualified voters in the corporation of the town of "Coopertown," in the county of Robertson, be authorized to elect one Justice of the Peace, who shall be commissioned and qualified as other Justices of the Peace in this State, and shall have the same jurisdiction and authority as other Justices of the Peace for said county.

SEC. 2. *Be it further enacted*, That this Act take



effect from and after its passage, the public welfare requiring it.

Passed December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and  
approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXLIII.

**AN ACT** to authorize the Mayor and City Council or Mayor and Aldermen of any incorporated city or town in the State of Tennessee, having a population of twenty thousand and upwards, to issue the bonds of said city or town to the amount of three hundred thousand dollars.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and City Council or the Mayor and Aldermen of any incorporated city or town in the State of Tennessee, having a population of twenty thousand and upwards, are hereby authorized, in their corporate capacity, to issue the bonds of the said city or town, signed by the Mayor and countersigned by the Recorder of said city or town, with coupons for interest attached, to an amount not exceeding three hundred thousand dollars. The bonds herein provided for, may be executed of denominations from one hundred dollars to one thousand dollars, at the discretion of said Mayor and City Council or Mayor and Aldermen, and to mature at such times as may be fixed by said Mayor and City Council or Mayor and Aldermen, from one to thirty years after date, and bearing interest at the rate of six per centum per annum, payable semi-annually: *Provided,* that the bonds issued under the provisions of this Act shall be alone for the purpose of paying outstanding liabilities against the city or corporation issuing them, and shall not in any case exceed the unsettled and binding liabilities of such city or corporation at the time of issuance thereof.

Cities with a population of 20,000 may issue bonds.

Denomination of.

Rate of interest.

How to be applied.

**SEC. 2.** *Be it further enacted,* That the Mayor and City Council, or Mayor and Aldermen of said city or town, are hereby authorized and empowered to mortgage the

To be secured by mortgage. water works and the public grounds, and the buildings of the fire department of said city or town, the said mortgage to be in addition to any other mortgage heretofore executed, and to constitute a second mortgage on said property, to secure the payment of the bonds now authorized to be issued.

To be issued SEC. 3. *Be it further enacted*, That the said Mayor and City Council, or Mayor and Aldermen of said city or town, are hereby authorized to issue at par such coupon bonds as are provided for in this Act, to the holders of *bona fide* claims against said city or town, in liquidation of such claims and interest thereon, and to such others as are willing to take them at par. In no case shall said Mayor and City Council, or Mayor and Aldermen of said city or town, or any person acting for said city or town, as their agent for that purpose, sell under their par value any of the bonds authorized herein.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXLIV.

AN ACT to further enable railroad companies to pay their debts to the State, and complete the construction of their roads.

Railroads, certain may issue consolidated bonds. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That such railroad companies in this State as are indebted to the State by reason of bonds loaned or indorsed, or by reason of the purchase of railroads or railroad property from the State, be and they are hereby authorized to mortgage their original property, and all property acquired by purchase from the State, for the purpose of issuing consolidated first mortgage bonds as hereinafter provided.

SEC. 2. *Be it further enacted*, That before the issuance of said consolidated bonds, and before said bonds are sold

and delivered to the purchaser, the indebtedness due the State by reason of bonds loaned to the company so issuing them shall have been first paid to the Comptroller, or to his agent in the city of New York, and that the said company shall have deposited with the Comptroller, or his agent in the city of New York, an amount of the said consolidated mortgage bonds equal in amount to the bonds indorsed by the State for such company, which bonds when thus deposited shall be surrendered to the company, bond for bond, upon the return of said bonds so indorsed by the State, which bonds, when so returned, shall be cancelled.

How indebtedness to be retired.

SEC. 3. *Be it further enacted*, That after the total indebtedness to the State is satisfied, as above provided, then in that event the remainder of the bonds, or the proceeds thereof, may be applied to the construction, equipment, or repair of road, or in liquidation of any other indebtedness that may be deemed advisable by the company.

How remainder to be applied.

SEC. 4. *Be it further enacted*, That the purchaser or purchasers of any of the railroads or railroad property sold by this State, is or are hereby authorized to mortgage the railroads or railroad property as purchased, for the purpose of procuring money for the payment of their indebtedness for the same, and the further purpose of completing the connections of said roads so purchased: *Provided*, that the mortgage so authorized, and the bonds issued thereunder, shall not interfere with, but shall be secondary to the lien retained upon said roads and railroad property by the State for deferred payments on the purchase.

Mortgage, purchasers may make.

Proviso.

SEC. 5. *Be it further enacted*, That no company availing itself of the authority conferred by this Act shall issue, of such consolidated first mortgage bonds, more than twenty thousand dollars per mile of the road so mortgaged.

Amount limited.

SEC. 6. *Be it further enacted*, That nothing in this Act contained shall stop the State of Tennessee from questioning the validity of any bonds issued in aid of railroads in this State; *Provided*, that nothing herein shall have the effect to impair in any manner the lien of the State upon any railroad or railroad property for the payment of the debt of the State incurred on account of bonds loaned or endorsed to such railroad, but such lien shall remain in full force and effect until all such bonds are retired: *And provided further*, that this Act shall not

State may question validity of its bonds.  
Proviso.

Further proviso.

effect or repeal any portion of any other Act or law heretofore passed at this session of the Legislature.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate*

Received at Executive Office December 15, 1871, and  
approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXLV.

AN ACT to amend chapter LXVII of the Acts of 1871, and to change and fix the time for holding the Circuit Courts for Dyer county, and at Humboldt, Gibson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit Court for Dyer county shall be held at Dyersburg on the first Mondays of February, June and October, and that the Circuit Court at Humboldt, Gibson county, shall be held on the first Mondays in March, July and November.

Time of  
holding.

Process,  
when return-  
able.

SEC. 2. *Be it further enacted,* That all process which is now or may hereafter be made returnable to said Circuit Courts, at any other time than that fixed by this Act, shall be transferred and returned to the time fixed by this Act, and shall have as full force and effect as though no change of time had been made.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 14, 1871, and  
approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXLVI.

AN ACT to apportion the Senatorial and Representative Districts in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That until the next enumeration and apportionment of the qualified voters of this State, Counties en- each of the following counties shall elect one Representative, titled to a tive, to-wit: Sullivan, Washington, Hawkins, Greene, Representa- Jefferson, Knox, Blount, Roane, McMinn, Hamilton, tive. Warren, Smith, Wilson, Rutherford, Bedford, Franklin, Giles, Lincoln, Marshall, Williamson, Maury, Sumner, Robertson, Montgomery, Henry, Carroll, Weakley, Gib- son, Madison, Henderson, McNairy, Hardeman, Fayette, Haywood, Dyer, Lauderdale and Tipton.

SEC. 2. *Be it further enacted*, That the county of David- Davidson son shall elect four Representatives, and the county of and Shelby. Shelby shall elect six Representatives.

SEC. 3. *Be it further enacted*, That the following coun- ties shall jointly elect one Representative, to-wit: John- son and Carter; Hamblen and Grainger; Cocke and Counties Sevier; Hancock and Claiborne; Union, Campbell and entitled to a Scott; Knox and Anderson; Morgan, Fentress and Over- Floater. ton; Monroe and Loudon; Polk and Bradley; James, Meigs, Rhea and Cumberland; Marion, Sequatchie, Bled- soe, Hamilton, Grundy and VanBuren; White and Put- nam; Coffee and Cannon; Wilson, Trousdale and DeKalb; Jackson, Macon and Clay; Bedford and Rutherford; Lincoln and Giles; Williamson and Maury; Dickson, Houston and Cheatham; Montgomery and Stewart; Law- rence and Wayne; Hickman, Perry and Lewis; Hum- phreys and Benton; Hardin and Decatur; Obion and Lake, Shelby and Fayette; Carroll, Gibson, Henry and Weakley; Madison, Haywood and Hardeman.

SEC. 4. *Be it further enacted*, That until the next enu- Counties meration and apportionment of the qualified voters of composing this State, the following counties shall compose Senatorial Senatorial districts. districts, to-wit:

First District—Johnson, Carter, Washington, and Greene.

Second District—Sullivan, Hawkins, Hamblen, Han- cock and Claiborne.

Third District—Cocke, Jefferson, Sevier and Blount.

Fourth District—Union, Grainger, Anderson and Knox.

Fifth District—Campbell, Morgan, Scott, Roane, Fentress, Overton, Putnam, White and Cumberland.

Sixth District—Loudon, Monroe, McMinn, Meigs, Bradley and Polk.

Seventh District—Rhea, James, Hamilton, Bledsoe, Sequatchie, Marion, Grundy and VanBuren.

Eighth District—Warren, Coffee, DeKalb and Cannon.

Ninth District—Macon, Smith, Clay, Trousdale, Sumner and Jackson.

Tenth District—Rutherford and Bedford.

Eleventh District—Davidson.

Twelfth District—Wilson and Davidson.

Thirteenth District—Marshall, Franklin and Lincoln.

Fourteenth District—Williamson and Maury.

Fifteenth District—Giles, Lawrence, Wayne and Lewis.

Sixteenth District—Hickman, Perry, Humphreys, Dickson, Cheatham and Houston.

Seventeenth District—Robertson, Montgomery and Stewart.

Eighteenth District—Hardin, Decatur, Benton, McNairy and Henderson.

Nineteenth District—Carroll and Gibson.

Twentieth District—Henry, Weakley, Obion and Lake.

Twenty-first District—Madison and Hardeman.

Twenty-second District—Haywood, Lauderdale and Dyer.

Twenty-third District—Shelby, Fayette and Tipton.

Twenty-fourth District—Shelby.

Twenty-fifth District—Shelby.

Code, sect'ns of, repealed. SEC. 5. *Be it further enacted*, That section 99, article 4, chapter 3, and sections 96, 97 and 98, article 3, chapter 3, of the Code be and the same are hereby repealed.

Passed December 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXVII.

AN ACT to amend the Assessment Laws of this State so as to make them conform to the New Constitution.

SECTION 1. *Be it enacted by the General Assembly of* Code, 557  
*the State of Tennessee,* That section 557 of the Code be amended.  
 so amended that "January" be stricken out and "April"  
 inserted in the third line of said section.

SEC. 2. *Be it further enacted,* That section 561 of the  
 Code be so amended that "January" be stricken out and 561 amend'd.  
 "April" inserted in the first line of said section.

SEC. 3. *Be it further enacted,* That section 579 of the  
 Code be so amended that "February" be stricken out 579 amend'd.  
 and "May" inserted in the second line of said section.

SEC. 4. *Be it further enacted,* That section 580 of the  
 Code be so amended that "March" be stricken out and  
 "June" inserted in the second line of said section, and  
 that section 5 of an Act approved February 1, 1871, 580 amend'd.  
 amending said section 580 of the Code be so amended  
 that "April" be stricken out and "July" inserted in  
 the sixth line of said section.

SEC. 5. *Be it further enacted,* That section 583 of the  
 Code be so amended that "February" be stricken out 583 amend'd.  
 and "May" inserted in the second line of said section,  
 and that "March" be stricken out and "June" inserted  
 in the fourth line of said section.

SEC. 6. *Be it further enacted,* That section 585 of the  
 Code be so amended that "March" be stricken out and 585 amend'd.  
 "June" inserted in the second line of said section.

SEC. 7. *Be it further enacted,* That section 586 of the  
 Code be so amended that "March" be stricken out and 586 amend'd.  
 "June" inserted in the second line of said section.

SEC. 8. *Be it further enacted,* That section 588 of the  
 Code be so amended that "May" be stricken out and 588 amend'd.  
 "September" inserted in the last line of said section.

SEC. 9. *Be it further enacted,* That section 589 of the  
 Code be so amended that "May" be stricken out and 589 amend'd.  
 "September" inserted in the fifth line of said section.

SEC. 10. *Be it further enacted,* That section 590 of the  
 Code be so amended that "July" be stricken out and 590 amend'd.  
 "October" be inserted in the fourth line of said section.

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed December 12, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and  
approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## CHAPTER CXLVIII.

AN ACT to change the county line between the counties of Williamson and Rutherford.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the county line between the counties of Rutherford and Williamson shall be changed so as to run as follows:

Beginning at the Harpeth River where the College Grove and the road to Williamson Jordan's homestead crosses; thence running north with the meanderings of said river to the northwest corner of Joseph M. Haley's; thence east with the said Haley's and McCord's line to the southwest corner of the toll gate lot; thence north to the northwest corner of the toll gate lot; thence east with said lot to the Eagleville, Unionville and Shelbyville turnpike; thence north with said turnpike to Spot Covington's north boundary line; thence east to Spot Covington's northeast corner, and thence so as to include the tract of land owned by C. A. Hill, purchased of Jordan's estate; thence south with the line between C. A. Hill's tract and John Floyd's tract to J. K. P. Barrett's north boundary line; thence east with said Barrett's line so as to include W. T. J. Wood and Susan Wood's tract; thence east, between John Haley's and Newton McCord's tracts, to the Franklin and Versailles road; thence south with said road to the Rutherford county line, all the parties effected having petitioned for said change, and it not reducing Williamson county below its constitutional limits.

County line  
of William-  
son and Ruth-  
erford ch'gd.



SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN, *Governor.*

## CHAPTER CXLIX.

AN ACT to extend the jurisdiction of the Law Court and Chancery Court of Humboldt, Gibson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the jurisdiction of the Law Court and Chancery Court of Humboldt, Gibson county, be so extended as to embrace the (13) Thirteenth Civil District of said Gibson county, as provided in the original Act of January 28, 1869, establishing said Courts, and the Act of December 22, 1870, is hereby repealed so far as it affects said Thirteenth District.

SEC. 2. *Be it further enacted*, That the Clerks of the Circuit Court and Chancery Courts of Gibson county are hereby directed to transfer all causes pending in their said Courts, arising in said Thirteenth District, to said Humboldt Courts, and the Sheriff of said county is also directed to return all papers and processes in his hands appertaining to such causes to said Humboldt Courts.

SEC. 3. *Be it further enacted*, That the Act establishing the Law Court of Nashville, approved the 8th of July, 1870, be so amended that the Judge of said Law Court shall hold the Circuit Court of Sumner county, at the time now prescribed by law, and the terms of the Law Court shall be held three times a year, to-wit: first Mondays in January, May and September in each year.

SEC. 4. *Be it further enacted*, That the Attorney General of the Tenth Judicial Circuit shall continue to attend the Circuit Court of Sumner county, and discharge his duties as such.

SEC. 5. *Be it further enacted*, That all processes of the Law Court of Nashville shall be issued and returnable in the same manner, and all appeals and writs of error shall be taken any time during the term in the same manner as in the Circuit Courts; and said Judge of the Law Court shall cause the Clerk of said Court to issue venire facias for jurors to attend the Law Court for trial of causes in the same manner as the Circuit Courts. And this Act shall take effect from and after its passage, the public welfare requiring it.

Process, ap-  
peals, writs  
of error, &c.  
in reference  
to.

Passed December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 16, 1871, and  
approved December 16, 1871.

JOHN C. BROWN, *Governor.*

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## CHAPTER CL.

AN ACT to defray the current expenses of this session of the General Assembly.

SECTION 1. *Be it enacted by the General Assembly the State of Tennessee*, That the Comptroller issue his warrant to each member of the Senate and House of Representatives for the sums stated to be due in the annexed report of the Committee on Finance.

Members.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant to the officers of the Senate and House of Representatives for the sums stated to be due each in the annexed report of the Committee on Finance:

Officers.

MEMBERS AND OFFICERS HOUSE OF REPRESENTATIVES.	NO. MILES.	MILEAGE.	NO. DAYS.	PER DIEM.	TOTAL.
Isaac Allen.....	672	107.52	75	300	407.52
V. C. Allen.....	440	70.40	72	288	358.40
Sam Allison.....	96	15.36	75	300	315.36
T. F. P. Allison.....	58	9.28	69	276	285.28
W. H. Anderson.....	554	88.00	73	292	380.00
John Blevins.....	686	109.76	75	300	409.76
C. H. Bean.....	200	32.00	71	284	316.00
A. Buford.....	140	22.40	74	296	318.40
H. H. Carr.....	740	118.40	74	296	414.40
H. A. Chambers.....	460	73.60	75	300	373.60
W. J. Clift.....	150	24.00	71	284	308.00
H. M. Colquett.....	200	32.00	75	300	332.00
G. G. Cottrell.....	686	109.76	75	300	409.76
J. H. Cross.....	788	126.08	75	300	426.08
J. M. Crews.....	600	96.00	75	300	396.00
B. M. Cheatham.....	58	9.28	75	300	309.28
H. T. Dick.....	576	92.16	75	300	392.16
J. P. Doss.....	100	16.00	74	296	312.00
W. H. Eckel.....	634	101.44	75	300	401.44
B. A. Enloe.....	266	42.56	74	296	338.56
J. C. Ellis.....	550	88.00	48	192	280.00
Ichabod Farmer.....	164	26.24	73	292	318.26
R. F. Ferguson.....	122	19.52	75	300	319.52
B. G. Fields.....	107	17.12	75	300	317.12
A. A. Freeman.....	325	51.80	74	296	348.00
R. P. Frierson.....	128	20.48	74	296	316.48
S. D. Givens.....	324	51.84	75	300	351.84
Wm. Gore.....	150	24.00	75	300	324.00
W. B. Gordon.....	96	15.36	72	288	303.36
G. B. Guild.....	50	8.00	75	300	308.00
J. M. Harris.....	600	96.00	75	300	396.00
W. F. Hinkle.....	340	54.40	75	300	354.40
R. S. Houston.....	425	68.00	71	284	352.00
Alfred Jones.....	150	24.00	73	292	316.00
W. D. Lumpkins.....	600	96.00	75	300	396.00
Jacob Leech.....	80	12.80	72	288	300.80
J. H. Lewis.....	130	20.80	75	300	320.80
W. E. Lynn.....	400	64.00	72	288	352.00
C. Linn.....	600	96.00	69	276	372.00
J. H. Magill.....	425	68.00	70	280	348.00

MEMBERS AND OFFICERS HOUSE OF REPRESENTATIVES.	NO. MILES.	MILEAGE.	NO. DAYS.	PER DIEM.	TOTAL.
A. B. Martin.....	60	9.60	75	300	309.60
Wm. Moore.....	58	9.28	72	288	297.28
J. A. McCall.....	310	49.60	72	288	337.60
J. A. McCampbell.....	280	44.80	75	300	344.80
Levi McCollum.....	130	20.80	75	300	320.80
W. S. McGaughey.....	680	108.80	75	300	408.80
C. M. McGhee.....	536	85.76	71	284	369.76
John McGill.....	130	20.80	74	292	312.80
J. L. McGlothlin.....	268	42.88	74	296	338.88
F. P. McNew.....	630	100.80	75	300	400.80
J. E. Nowlin.....	172	27.52	75	300	327.52
C. B. Odom.....	100	16.00	75	300	316.00
B. W. Padgett.....	360	57.60	73	292	349.60
J. C. Parker.....	650	104.00	75	300	404.00
T. H. Paine.....	180	28.80	75	300	328.80
Peter Pearson.....	250	40.00	75	300	340.00
Wm. Pryor.....	275	44.00	75	300	344.00
J. L. Rosson.....	500	80.00	75	300	380.00
R. C. Samsell.....	625	100.00	75	300	400.00
J. M. Scarborough.....	225	36.00	70	280	316.00
S. H. Shepherd.....	50	8.00	75	300	308.00
Fred. Slimp.....	848	135.68	75	300	435.68
F. B. Snipes.....	372	59.52	75	300	359.52
A. L. Spears.....	276	44.16	75	300	344.16
R. I. Chester.....	348	55.68	75	300	355.68
J. A. Tolley.....	200	32.00	75	300	332.00
W. J. Taylor.....	.....	.....	6	24	24.00
J. D. Tillman.....	240	38.40	74	296	334.40
J. G. Thomas.....	302	48.32	75	300	348.32
J. A. Trousdale.....	50	8.00	75	300	308.00
Hiram Vaughn.....	.....	.....	75	300	300.00
G. W. Walters.....	275	44.00	75	300	344.00
L. M. Wester.....	502	80.32	75	300	380.32
W. B. Wilson.....	96	15.36	75	300	315.36
J. D. Richardson, Speaker...	60	9.60	75	450	459.60
Neil S. Brown, P. C.....	.....	.....	75	450	450.00
E. B. Wade, A. C.....	.....	.....	75	450	450.00
F. E. Williams, E. C.....	.....	.....	75	450	450.00
W. E. Carter, D. K.....	.....	.....	75	300	300.00
Jesse Woods, P.....	.....	.....	75	300	300.00
Luther Ewing.....	.....	.....	73	292	292.00

SEC. 3. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to pay the publishers and proprietors of newspapers for papers furnished the General Assembly during the present session, at the of newspapers current subscription price of the same: *Provided*, said pers. payment shall be made in accordance with a resolution passed by the General Assembly, limiting the number of papers to each member to three daily papers.

SEC. 4. *Be it further enacted*, That the Comptroller issue his warrant to W. F. Prosser, Postmaster at Nashville, for sixty-eight dollars and eighty-seven cents, amount of postage due on the papers furnished the members of this General Assembly. W. F. Prosser, P. M.

SEC. 5. *Be it further enacted*, That the Comptroller issue his warrant to each member of this General Assembly for the sum of five dollars, in accordance with House joint resolution, No. 6. Postage stamps.

SEC. 6. *Be it further enacted*, That the Comptroller issue his warrant in favor of Thomas H. Paine for Paine, \$20. (\$27.50) twenty-seven dollars and fifty cents, in accordance with House joint resolution, No. 30, appointing a committee to make arrangements for the inaugural ceremonies. 50c.

SEC. 7. *Be it further enacted*, That the Comptroller issue his warrant to Clay Roberts for the sum of eighteen dollars, (\$18.00,) in accordance with House resolution, No. 14, adopted October 6, 1871. Clay Roberts \$18.00.

SEC. 8. *Be it further enacted*, That the Comptroller issue his warrant to Clay Newland for four dollars per day while acting as Assistant Clerk during the organization of the Senate, in accordance with Senate resolution, No. 12, adopted October 13th. Clay Newland.

SEC. 9. *Be it further enacted*, That the Comptroller issue his warrant for two hundred dollars each in favor of Geo. A. Howard and Neil S. Brown, Jr., as compensation for preparing indexes for the Journals of the Senate and House of Representatives. George A. Howard and Neil S. Brown for indexes, &c.

SEC. 10. *Be it further enacted*, That the Principal Clerks of the Senate and House of Representatives be directed to remain a sufficient time after the adjournment to file all the papers of their respective Houses with the Secretary of State, and to have published the Journals of this General Assembly, and that for the above services the Comptroller is directed to issue his warrants for the per diem of the Principal Clerk, and 30 cents per page for copying and superintending the publication of the Journals. Clerks to remain and file papers, &c.

SEC. 11. *Be it further enacted*, That the Comptroller issue his warrant in favor of Isaac Clemens for eight dollars for services as Porter during the organization of the House of Representatives.

SEC. 12. *Be it further enacted*, That the Comptroller issue his warrant to Franc M. Paul for six dollars; to W. F. Bang, W. F. Bang for three dollars; to S. M. Scott for four and one-half dollars; to A. G. Whiteman for four and one-half dollars; to W. J. Thomas three dollars; to Travis Winham, J. Winham three dollars; to Tilghman Haws thirty-two dollars and thirty cents; to L. G. Stewart eight dollars, and to George C. Holland one hundred and forty-four dollars, their *per diem*, mileage, fees and other compensation as witnesses and officers before and to the Joint Committee to investigate the alleged Printing frauds.

SEC. 13. *Be it further enacted*, That the Comptroller issue his warrant in favor of C. M. McGhee for the *per diem* of A. F. Fleming for the whole of this session of the General Assembly (in accordance with House Resolution No. 124) to be by the said McGhee disbursed according to the wishes of the immediate family of said A. F. Fleming.

SEC. 14. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer in favor of Ex-Governor D. W. C. Senter, Ed. R. Pennebaker, Comptroller, and Thomas H. Butler, Secretary of State, for one thousand dollars each, for services rendered as Commissioners of the State for the sale of delinquent railroads.

SEC. 15. *Be it further enacted*, That the Comptroller issue his warrant in favor of Ed. R. Pennebaker, Comptroller, for twelve hundred and ninety-three dollars clerk hire, (1,293 00), for money paid out by him for Clerk hire for the business of the Railroad Commissioners.

SEC. 16. *Be it further enacted*, That the Comptroller issue his warrant in favor of Robert Boyett for services as a member of the 36th General Assembly from Obion County, for fifty-seven dollars; also that he issue his warrant in favor of E. F. Cheatham for sixty-six dollars for services as Copying Clerk in the House of Representatives.

SEC. 17. *Be it further enacted*, That the Comptroller issue his warrant to C. C. Plummer for eighteen dollars for services as Assistant Engrossing Clerk of the House of Representatives.

MEMBERS AND OFFICERS OF THE SENATE.	NO. MILES.	MILEAGE.	NO. DAYS.	PER DIEM.	TOTAL.
Nathan Brandon.....	225	36.00	73	292	328.00
Robt. M. Bugg.....	130	20.80	75	300	320.80
Joseph Clarke.....	110	17.60	75	300	317.60
Albert G. Cooper.....	140	22.40	37	148	170.40
Jas. M. Coulter.....	340	54.40	75	300	354.40
J. J. Du Bose.....	472	75.52	75	300	375.52
Henry R. Gibson.....	606	96.96	75	300	396.96
William Greene.....	690	110.40	75	300	410.40
Daniel W. Hawes.....	160	25.60	75	300	325.60
James H. Hughes.....	210	33.60	73	292	325.60
J. W. G. Jones.....	264	42.24	33	132	174.24
M. L. McConnell.....	554	88.64	73	292	380.64
Alfred G. Merritt.....			75	300	300.00
J. M. Patterson.....	152	24.32	74	296	320.32
T. A. Pope.....	342	54.72	75	300	354.72
Geo. C. Porter.....	360	57.60	74	296	353.60
James A. Ridley.....	52	8.32	75	300	308.32
Wm. R. Sevier.....	726	116.16	75	300	416.16
Wm. B. Staley.....	472	75.52	73	292	367.52
L. M. Tharpe.....	310	49.60	74	296	345.60
W. P. Tolley.....	244	39.24	72	288	327.24
S. L. Warren.....	425	68.00	75	300	368.00
Robt. S. Windle.....	220	35.20	75	300	335.20
J. Howard Young.....	100	16.00	72	288	304.00
Jno. C. Vaughn, Speaker..	440	70.40	75	450	520.40
Geo. A. Howard, P. C.....			75	450	450.00
Mag. V. Brown, E. C.....			75	450	450.00
L. G. Stewart, D. K.....			75	300	300.00
Luther Coldwell, A. D. K.			75	300	300.00

SEC. 18. *Be it further enacted*, That the Comptroller E. W. Carlock issue his warrant to E. W. Carlock for fifteen days service as Assistant Clerk of the Senate, \$90.00.

SEC. 19. *Be it further enacted*, That the Comptroller Clay Roberts issue his warrant in favor of Clay Roberts for services rendered for thirty-eight days at six dollars per day, in accordance with Senate Resolution No. 19, adopted November 9, 1871.

SEC. 20. *Be it further enacted*, That the Comptroller

Elias Polk, issue his warrant to Elias Polk for \$225, to Alexander \$225.00, Inman for \$200, and to Isaac Jones for \$24, for services Alex. Inman, as porters to this body the present session.  
Isaac Jones.

SEC. 21. *Be it further enacted*, That the Comptroller issue his warrant to W. F. Prosser, Postmaster at Nashville, for thirty-four dollars ninety-three cents (\$34.93), amount of postage due on papers furnished the members of the last session of the General Assembly and omitted in their General Appropriation bill.

SEC. 22. *Be it further enacted*, That the Comptroller is hereby authorized and directed to issue his warrant to the legal representatives of Hon. Samuel Pickins, a member of the Senate, 34th General Assembly, for 76 days *per diem*, \$304.00, and 564 miles travel, \$90.24, total \$394.24. The said Pickins having died without drawing the same, and it or any portion thereof never having been paid to the said Samuel Pickins, Administrator, or other representative,

SEC. 23. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant in favor of Wm. Rule, of Knoxville, for the sum of \$250.00, on account of money expended in defending suit brought against him as Clerk of the County Court of Knox County to compel him to receive notes of the Bank of Tennessee in payment of taxes due the State.

JAMES D. RICHARDSON.

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,

*Governor.*



# RESOLUTIONS.

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## NUMBER I.

**JOINT RESOLUTION** Directory to Doorkeepers of each House, to furnish three Daily Papers to each of the members.

*Resolved by the General Assembly of the State of Tennessee,* That the Doorkeeper of each House be directed to furnish three daily papers published in the State of Tennessee, to each of the members and officers of each House.

Adopted October 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved October 9, 1871.

D. W. C. SENTER,  
*Governor.*

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## NUMBER II.

**JOINT RESOLUTION** Directing Comptroller to issue his warrant to each member for Postage Stamps.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller be authorized and directed

to issue his warrant to each member and officer of this body for the sum of five dollars for postage money.

Adopted October 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved October 9, 1871.

D. W. C. SENTER,  
*Governor.*

### NUMBER III.

SENATE JOINT RESOLUTION, to meet in Convention on the 4th of October and compare Vote for Governor.

*Resolved by the General Assembly of the State of Tennessee,* That the Senators meet the Representatives in the Hall of the House of Representatives on Wednesday, the 4th day of October, at 12 o'clock noon, for the purpose of comparing the vote cast in the election for Governor held in this State on the second Tuesday in November, 1870.

Adopted October 3, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved October 8, 1871.

D. W. C. SENTER,  
*Governor.*

### NUMBER IV.

SENATE JOINT RESOLUTION Tendering Sympathy and Regret, to the State of Alabama, in the Death of General James H. Clanton.

WHEREAS, General James H. Clanton lost his life in Tennessee, whilst representing the interests of his State, the State of Alabama; and

WHEREAS, The death of General Clanton occurred

under circumstances easily liable to be so misrepresented as to tarnish the character of the State of Tennessee for peace, good order and hospitality ; therefore

*Be it resolved*, 1st. That the people of Tennessee (whilst they express no opinion as to the guilt or innocence of Col. Nelson) deeply regret the most unfortunate occurrence resulting in the death of General James H. Clanton, and deplore his untimely end with unfeigned sorrow.

2d. That we tender to the State of Alabama, and the family of the deceased, our profound sympathy ; and that we assure them all, that nothing could well have caused us more grief and humiliation than this untoward event.

3d. That a copy of these Resolutions be forwarded to the Governor of Alabama, and to the family of the lamented deceased.

Adopted October 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 13, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER V.

SENATE JOINT RESOLUTION Raising a Committee to investigate the charges against the Public Printers.

*Resolved by the General Assembly of the State of Tennessee*, That a Committee of three on the part of the Senate and six on the part of the House, be appointed by the Speakers, to investigate and report upon the charges referred to in the communication of Jones, Purvis & Co., the Public Printers of the State ; and that said committee, when appointed, have power to send for persons and papers.

Adopted October 4, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved October 11, 1871.

JOHN B. BROWN, *Governor.*

## NUMBER VI.

SENATE JOINT RESOLUTION To meet in Convention on Saturday, October the 20th, to Elect Public Printer and State Librarian.

*Resolved by the General Assembly of the State of Tennessee, That the Senate and House of Representatives assemble in convention, in the Hall of the House of Representatives, on Saturday, the 20th day of October, at 12 o'clock, "M.," for the purpose of electing a Printer and Librarian for the State.*

Adopted October 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved October 11, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER VII.

HOUSE JOINT RESOLUTION Appointing Committee to wait on Governor Senter, to inform him that the House and Senate are fully organized, &c.

*Resolved, That a committee of three on the part of the House and two on the part of the Senate, be appointed to wait on his Excellency D. W. C. Senter, Governor of Tennessee, and inform him that both branches of the General Assembly are fully organized and are ready for the transaction of business, and would be pleased to hear any communication he may choose to make.*

Adopted October 3, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved October 11, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER VIII.

HOUSE JOINT RESOLUTION, Appointing Committee to Re-district the State.

*Be it resolved by the General Assembly of the State of Tennessee,* That a Committee of nine (three from each Grand Division of the State) on the part of the House, and six on the part of the Senate, be appointed by the Speakers of the two Houses, to prepare a bill to re-district the State of Tennessee.

Adopted October 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 17, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER IX.

HOUSE JOINT RESOLUTION Authorizing 750 copies of the Report of the Railroad Commissioners to be printed.

*Resolved,* That 500 copies of the Report of the Railroad Commissioners be ordered printed, for the use of the House and two hundred and fifty copies for the use the Senate.

Adopted October 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 17, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER X.

HOUSE JOINT RESOLUTION Appointing Committee to investigate the charges preferred against W. E. Wade.

*Resolved*, That a Joint Special Committee of three members of the House and two members of the Senate be appointed to investigate the charges preferred against W. E. Wade, in connection with the alleged abstraction of a large amount of past due coupons from the office of the Comptroller of the State, together with all things incident or appertaining thereto; also to inquire into the manner of receiving, cancelling and filing away coupons in said office, and to ascertain if any coupons that have been received in said office are missing therefrom.

*Resolved*, That said committee be invested with full power and authority to send for persons, books and papers, and to administer oaths, and it shall be the duty of said committee to make such report and suggestions to the General Assembly touching the matter as may seem necessary to protect the interest of the State, and that said committee be required to ascertain the amount and number of coupons in the Comptrollers' office which have not been cancelled, and the reason for not being cancelled.

Adopted October 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 17, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER XI.

HOUSE JOINT RESOLUTION Authorizing copies of the Reports of the State Treasurer and State Librarian to be printed.

*Resolved*, That one thousand copies of the Report of the State Treasurer, and five hundred copies of the Re-

port of the State Librarian be ordered printed for the use of the House, and five hundred copies of the Treasurer's Report and one hundred copies of the Librarian's Report be ordered printed for the use of the Senate.

Adopted October 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 17, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER XII.

HOUSE JOINT RESOLUTION Raising a Committee to wait upon the Governor and inform him that the Legislature is ready to receive any communication he may wish to make.

*Resolved*, That a Committee of three on the part of the House and two on the part of the Senate, be appointed to wait on the Governor and inform him that the Legislature is ready to receive any communication he may wish to make.

Adopted October 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 17, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER XIII.

SENATE JOINT RESOLUTION Directory to the Committee of both Houses on Printing.

WHEREAS, The same matter is often required to be printed by each House of the General Assembly, but in-

asmuch as when the printing is ordered by each House separately, the cost of such printing is greatly increased :  
Therefore,

*Be it resolved by the General Assembly of the State of Tennessee, That the Committee of the two Houses on Printing, be directed to inquire and report whether some rule cannot be adopted to prevent said increased cost of printing.*

Adopted October 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 18, 1871.

JOHN C. BROWN,  
*Governor.*

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#### NUMBER XIV.

SENATE JOINT RESOLUTION ordering 800 copies of the Report of the Secretary of State to be Printed.

*Resolved by the General Assembly of the State of Tennessee, That two hundred copies of the Report of the Secretary of State be printed for the use of the Senate and six hundred for the use of the House.*

Adopted October 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 18, 1871.

JOHN C. BROWN,  
*Governor.*

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#### NUMBER XV.

HOUSE JOINT RESOLUTION ordering 800 copies of the Report of S. Watson, Trustee of the Bank of Tennessee to be printed.

*Be it resolved by the General Assembly of the State of Tennessee, That two hundred copies of the Report of S.*



Watson, Trustee of the Bank of Tennessee, be printed for the use of the House of Representatives and one hundred copies for the use of the Senate.

Adopted October 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 19, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER XVI.

HOUSE JOINT RESOLUTION expressive of sympathy for the  
Chicago sufferers.

WHEREAS, Intelligence of the unexampled conflagration in the city of Chicago has been conveyed to this General Assembly. Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That it is with profound sorrow and painful regret that we receive the melancholy intelligence of the terrible disaster that has befallen the great city of Chicago, whereby thousands of her citizens are thrown out upon the world without food or shelter, and millions of her capital are engulfed in the general ruin.

*Resolved,* That we tender our sympathies to the citizens of our sister State, the State of Illinois, in this the hour of her fearful calamity and deep distress, and that our strongest compassion is excited in behalf of the suffering victims of this unparalleled misfortune.

*Resolved,* That we call upon all churches and charitable institutions, corporations, and organized associations of every character and description, and all ranks and conditions of people in the State of Tennessee, to contribute to the sufferers of that unfortunate city.

*Resolved,* That copies of these resolutions be forwarded

to the Governor of Illinois and to the Mayor of the city of Chicago.

Adopted October 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 19, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER XVII.

HOUSE JOINT RESOLUTION expressing confidence in the Commissioners appointed to take charge of delinquent railroads.

*Be it Resolved by the House of Representatives, the Senate concurring,* That as the representatives of the people of the State of Tennessee, we express our confidence in the Commissioners heretofore appointed to take charge of delinquent railroads in our State, and relying on their age, experience and wisdom, we feel that the interest of both State and individual stockholders will be most faithfully guarded.

Adopted October 10, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 19, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER XVIII.

SENATE JOINT RESOLUTION instructing Committee on alleged printing frauds to report on or before the 16th inst.

WHEREAS, The 20th inst. has been fixed for the election of a Public Printer, and

WHEREAS, It is important that the General Assembly be informed as to the conclusions arrived at by the joint

committee on the alleged frauds by the Public Printers for the State before the said election. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the joint committee on the alleged printing frauds be and they are hereby instructed to report on or before the 16th inst., if practicable.

Adopted October 11, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 18, 1871.

JOHN C. BROWN,  
*Governor.*

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## NUMBER XIX.

HOUSE JOINT RESOLUTION asking information concerning the plates of the Bank of Tennessee.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Trustee of the State Bank of Tennessee be requested to inform this General Assembly whether the plates upon which the old issues of said bank were struck or engraved have been destroyed, and if not, who is their custodian.

Adopted October 7, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 19, 1871.

JOHN C. BROWN,  
*Governor.*

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## NUMBER XX.

SENATE JOINT RESOLUTION calling for a report in regard to Tennessee money of the new issue.

*Resolved,* That the Comptroller of the Treasury and Treasurer of the State be and they are hereby requested to

report to the General Assembly, now in session, whether any bills or notes of the Bank of Tennessee issued after the 6th day of May, 1861, have been paid into the Treasury of the State in discharge of taxes or other dues to the State; and if so, when, by whom, how much, under what circumstances, and by what authority, and what has become of the same.

Adopted October 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 20, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER XXI.

SENATE JOINT RESOLUTION in regard to Insurance Companies.

*Resolved*, That a special committee of three on the part of the Senate, and five on the part of the House, be appointed by the respective Speakers thereof, whose duty it shall be to consider and report to this General Assembly for its consideration and action, a bill relative to the government of Fire and Life Insurance Companies doing, or proposing to do business within the limits of this State, and to whom all matters relating to this subject shall be referred.

Adopted October 16, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 20, 1871.

JOHN C. BROWN,  
*Governor*

## NUMBER XXII.

SENATE JOINT RESOLUTION directing our Representatives and Senators in Congress on the subject of pensioners.

*Resolved by the General Assembly of the State of Tennessee,* That our Representatives in Congress be requested, and our Senators be instructed, to procure such Congressional enactments as will place the widows of pensioners of the war of 1812, who were married after the war, upon the same footing as those who were married before the war; and such legislation as will prevent any discrimination against pensioners on account of their sympathy in the late war between the States.

Adopted October 16, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 20, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER XXIII.

SENATE JOINT RESOLUTION to hasten the census returns.

*Resolved by the General Assembly of the State of Tennessee,* That in view of the short period allowed for legislation, the vast amount of labor connected with the redistricting of the State, and the impossibility of doing so without the census returns of the voting population from each county, the Secretary of State be requested to use prompt measures to secure a complete return at the earliest day possible.

Adopted October 16, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received and approved October 20, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER XXIV.

SENATE JOINT RESOLUTION of respect to Ex-Governor DeWitt C. Senter.

*Resolved by the General Assembly of the State of Tennessee,* That the thanks of the Legislature are justly due, and are hereby tendered to Ex-Governor D. W. C. Senter, for the very able and wise administration of the past two years, and that the people of Tennessee will ever hold in grateful remembrance his devotion to their interests, especially in being the one who conferred upon them the right of the ballot so unjustly taken from them

*Be it further resolved,* That a certified copy of this resolution be forwarded to Ex-Governor Senter.

Adopted October 16, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received and approved October 20, 1871.

JOHN C. BROWN,

*Governor.*

## NUMBER XXV.

RESOLUTION requesting the Committee on Banks to make inquiry as to the disposition and whereabouts of the Plates and Dies of the State Bank of Tennessee.

WHEREAS, Previous legislation placed the Bank of Tennessee in a state of liquidation, and

WHEREAS, This General Assembly has no information as to the whereabouts of the plates on which the old and new issues of the State Bank were engraved. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Committee on Banks be directed to make inquiry, and report as early as practicable, as to the

whereabouts of the plates and dies on which the old and new issues of the Bank of Tennessee were engraved.

Adopted October 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office October 26, 1871, and approved by the Governor.

JOHN C. BROWN.

## NUMBER XXVI.

HOUSE JOINT RESOLUTION ordering 5,000 copies of the Comptroller's report printed.

*Resolved*, That two thousand copies of the Report of the Comptroller be ordered printed for the use of the House and three thousand for the use of the Senate.

Adopted October 17, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office October 26, 1871, and approved by the Governor.

JOHN C. BROWN.

## NUMBER XXVII.

HOUSE JOINT RESOLUTION appointing a Committee to wait upon Mrs. James K. Polk.

*Be it resolved by the General Assembly of the State of Tennessee*, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to wait upon Mrs. James K. Polk, and inform

her that the two Houses will be pleased, if agreeable to her, to call upon her at such time as she may designate.

Adopted October 19, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office, October 26, 1871,  
and approved by the Governor.

JOHN C. BROWN.

## NUMBER XXVIII.

JOINT RESOLUTION to investigate the Bank of Tennessee with reference to Southern moneys.

*Be it resolved by the General Assembly of the State of Tennessee, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to investigate the affairs of the Bank of Tennessee with reference to Southern moneys, and report at the earliest practicable day the result of their investigations.*

Adopted October 16, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office October 26, 1871, and  
and approved by the Governor.

JOHN C. BROWN.

## NUMBER XXIX.

HOUSE JOINT RESOLUTION postponing the election of a Public Printer.

*Resolved by the General Assembly of the State of Tennessee, That the election for Public Printer be postponed until the committee appointed to investigate the charges against Jones, Purvis & Co. have made their report:*



*Provided*, that if said committee do not report on or before the 2d day of November next, the election for Public Printer shall take place on that day.

Adopted October 20, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office October 26, 1871, and approved by the Governor.

JOHN C. BROWN.

### NUMBER XXX.

HOUSE JOINT RESOLUTION in reference to the Committee on alleged frauds committed by Public Printers.

WHEREAS, An article appears in the Knoxville Chronicle of October 21, 1871, purporting to give some of the action had by the committee appointed to investigate the alleged frauds committed by the Public Printers to the State, and as said information furnished to the publishers of this paper was without authority, and calculated to reflect upon the character of the committee. Therefore,

*Resolved, by the General Assembly of the State of Tennessee*, That the aforesaid committee be authorized to take such steps as to them may seem necessary to ascertain by what authority said publication was made, and to take such steps as may be necessary to prevent like occurrences in the future.

Adopted October 24, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office October 26, 1871, and approved by the Governor.

JOHN C. BROWN.

## NUMBER XXXI.

SENATE JOINT RESOLUTION to investigate the sale of Memphis City Coupons.

WHEREAS, It appears from the report of Comptroller E. R. Pennebaker, made to this General Assembly, that Memphis city coupons, in amount \$36,690.00, which had been indorsed by the State when issued, and paid since the war by his predecessors in office, the same having been turned over to him on his induction into office, when they should have been held as indebtedness against the city of Memphis, and

WHEREAS, These coupons were taken out of the book into which they had been pasted, as is shown by the report of E. R. Pennebaker, Comptroller, and by him sold and delivered to one W. B. Greenlaw for the consideration of \$36,000.00 in bonds of the State, with interest thereon. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a committee of two on the part of the Senate, and three on the part of the House, be and they are hereby appointed by the respective speakers thereof, whose duty it shall be to investigate the accounts of Comptroller E. R. Pennebaker, with the view of ascertaining their correctness, and to find out and report to this General Assembly the exact amount of loss the State has sustained in the sale by E. R. Pennebaker, Comptroller, to W. B. Greenlaw, of the Memphis city coupons, and whether, in doing so, he acted by authority of law.

*Be it further resolved,* That said committee be empowered to send for persons and papers, and be invested with all power necessary for a proper investigation of said accounts.

Adopted October 20, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

S. L. WARREN,

*Speaker of the Senate, pro tem.*

Received at Executive Office at 2 P. M., October 23d, 1871, and approved.

JOHN C. BROWN,

*Governor.*

## XXXII.

SENATE JOINT RESOLUTION to appoint a Special Committee to accompany the Governor to the Sewanee Coal Mines.

*Resolved by the General Assembly of the State of Tennessee,* That a special committee of two on the part of the Senate, and four on the part of the House, be appointed to accompany His Excellency, the Governor, upon a proposed visit of inspection of the State convicts now employed at the Sewanee Coal Mines.

*Resolved,* That said committee shall be selected from the Committees on the Penitentiary of the respective Houses.  
Adopted October 20, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

S. L. WARREN,  
*Speaker of the Senate, pro tem.*

Received at Executive Office at 2 P. M., October 23, 1871, and approved.

JOHN C. BROWN, *Governor.*

## NUMBER XXXIII.

SENATE JOINT RESOLUTION directory to our Representatives in Congress.

WHEREAS, The present laws of the Federal Government in regard to the distillation of spirituous liquors are so framed as to be applicable to large distilleries only, and

WHEREAS, Said laws are unjust and oppressive in their operation upon the small distilleries in our State, and are in their effect prohibitory upon such small distilleries, Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress be and they are hereby requested to use their influence to have the law upon the subject of distilling spirit-

nous liquors so changed as to enable the small distilleries in Tennessee to operate with the small copper stills used in this State.

Adopted October 19, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
S. L. WARREN,  
*Speaker of the Senate, pro tem.*

Received at Executive Office at 2 P. M., October 23, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## NUMBER XXXIV.

SENATE JOINT RESOLUTION in regard to the return of claims.

WHEREAS, An Act of the Legislature passed February 19, 1868, authorized citizens of Tennessee, who had claims for property taken or destroyed during the late war by one or the other of the armies, to file the same with the then General Claim Commissioner of the State, and

WHEREAS, a large number of claims were so filed with said Commissioner in accordance with said Act, and

WHEREAS, An Act was passed by the Thirty-Sixth General Assembly, December 4, 1869, repealing said aforementioned Act, and directing the State Claim Commissioner to file the books and papers of his office with the Secretary of State, and authorizing the said Secretary to deliver the claims to the respective claimants, or their attorneys, upon application therefor, and

WHEREAS, the Secretary finds it very troublesome, as well as consuming much of his time, to wait upon the many individual claimants separately. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Secretary of State be and he is hereby authorized to send the claims hereinbefore referred to, by mail, express, or otherwise, to the County Court Clerks of the respective counties to which the same belong.

*Be it further resolved,* That the respective Clerks to whom the same may be sent, be and they are hereby

authorized and directed to deliver over to the proper claimants, or their attorneys, all claims belonging to them, upon application therefor.

Adopted October 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, October 23, 1871, at 2 P. M., and approved.

JOHN C. BROWN,  
*Governor.*

# NUMBER XXXV.

HOUSE JOINT RESOLUTION appointing a Committee to examine the statutes compiled by Messrs. Thompson & Steger and J. H. Shankland, and ascertain upon what terms they can be furnished the State.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of three on the part of the House, and two on the part of the Senate, be and the same is hereby appointed to examine the Statutes of Tennessee, compiled by Messrs. Thompson and Steger, and the Statutes of Tennessee compiled by J. H. Shankland, and they will report by bill or otherwise, what action the present General Assembly shall take on the subject, if any. Said committee is further authorized and instructed to ascertain the terms upon which said Statutes could be furnished the State.

Adopted November 2, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at the Executive Office, November 6, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## NUMBER XXXVI.

HOUSE JOINT RESOLUTION appointing a Committee to enquire of the Trustee of the Bank of Tennessee what amount of money is in his hands belonging to the School Fund, &c.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of three on the part of the House, and two on the part of the Senate, be appointed to enquire of the Trustee of the Bank of Tennessee what amount of money is in his hands that belongs to the School Fund arising out of lands sold in certain townships and ranges, (being the sixteenth section of the same,) and placed in the said bank and branches for school purposes, and make a statement showing what amount is going to each county when said lands were sold, and that said committee report, and all other questions relative to the school fund be inquired into, that belongs to the State, so we may know the condition of the same.

Adopted October 25, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 4, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## NUMBER XXXVII.

HOUSE JOINT RESOLUTION appointing a Committee to examine into and audit the accounts of Comptroller and Treasurer, &c.

WHEREAS, From an examination of the report of the State Treasurer the following facts are disclosed, viz: "It will be seen, by referring to the Comptroller's report, that we do not agree as to balances on hand at any time. On the 1st day of June, 1870, the Comptroller's books show a balance in the Treasury of \$464,368.52, while mine show nothing on hand at that time. On the 1st of October, 1870, the Comptroller's books make the balance

\$299,280.70, while my balance at the same time is \$153,-679.18, a difference of \$145,601.52. During September, 1870, the Comptroller allowed a credit from the balance of \$464,368.52 of \$318,767.00 for Tennessee money burned by the preceding Treasurer, Mr. Rust, and a Legislative Committee. This left a balance of \$145,-601.52. This sum is in the hands of Mr. Rust, and never having been turned over to me, of course I have not charged myself with it. When I took charge of this office on June 1, 1870, although the books of the office showed a large balance on hand, yet not a dollar of anything was turned over to me, except accounts largely overdrawn at some of the depositories.

In making good the balances, and in redeeming outstanding checks of my predecessor, and in receipting for funds deposited in bank prior to June 1, 1870, by revenue officers, but which were not charged to Mr. Rust, yet used by him, and charged to me when the certificates of deposits were forwarded to the Comptroller, after my term of office began. I have used funds received by me, as Treasurer, to the amount of \$10,153.49, for which I have no warrants as vouchers. This item of \$10,153.49, together with the sum of \$145,601.52, should be audited, passed to my credit as Treasurer, and embraced in the suit now pending against Mr. Rust and the sureties on his official bond. If Mr. Rust is responsible for this sum, as the bringing of suit indicates, then it is not right that I should be charged with the same." Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That a joint select committee, consisting of three on the part of the House, and two on the part of the Senate be and they are hereby appointed, whose duty it shall be to audit the accounts of the State Treasurer, to examine into and compare the receipts and disbursements, and to make such other and further examination and investigation into the business of the office as developments may seem to indicate as necessary or proper, and report by bill or otherwise to this General Assembly.

Adopted October 30, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 4, 1871, and approved.

JOHN C. BROWN, *Governor.*

## NUMBER XXXVIII.

HOUSE JOINT RESOLUTION placing the portrait of Ex-Governor D. W. C. Senter in the State Library.

WHEREAS, The members of the Thirty-Sixth General Assembly, through their representatives, Hon. James H. Neil and John M. Fleming, ordered and procured from the studio of Mr. F. J. Fisher, of Knoxville, a portrait of Ex-Governor DeWitt C. Senter, with a view of having the same placed in the Hall of the State Library for permanent keeping and exhibition, and the said portrait being now in readiness, and tendered for that purpose. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the portrait of Ex-Governor DeWitt C. Senter, thus presented, be taken in charge by the State Librarian, and made one of the permanent ornaments of the Library.

Adopted October 27, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 4, 1871, and approved.

JOHN C. BROWN, *Governor.*

## NUMBER XXXIX.

HOUSE JOINT RESOLUTION ordering 3,500 copies of the Governor's message to be printed.

*Resolved by the General Assembly of the State of Tennessee,* That fifteen hundred copies of the Governor's message be printed for the use of the House, and one thousand copies for the use of the Senate, and five hun-



dred copies for Senate appendix, and five hundred copies for the House appendix.

Adopted October 26, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 1, 1871, and approved.

JOHN C. BROWN, *Governor.*

## NUMBER XL.

HOUSE JOINT RESOLUTION appointing a Committee to examine reports of the Committee of last session in regard to Bonds issued to railroads.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of three on the part of the House, and two on the part of the Senate, be appointed to examine the reports of the committee of the last General Assembly in regard to the bonds issued to the railroads of this State, and report what action should be taken by this Legislature upon the facts set forth in said reports.

Adopted October 31, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate*

Received at Executive Office November 4, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## NUMBER XLI.

## HOUSE JOINT RESOLUTION relative to the Agricultural School Fund of Tennessee.

WHEREAS, The Report of the Trustees of the East Tennessee University shows that the Agricultural School fund amounts to three hundred and ninety-six thousand dollars; and

WHEREAS, The said fund was appropriated to the East Tennessee University by an Act passed January 16, 1869, entitled, "An Act to establish the Tennessee Agricultural College," in which were certain restrictions and conditions to be observed by the Trustees of the said Institution. Therefore

*Resolved by the General Assembly of the State of Tennessee,* That a Joint Special Committee of three on the part of the House and three on the part of the Senate be appointed to investigate and report upon the following questions:

1st. Whether the Trustees of the East Tennessee University have complied fully with the requirements of an Act passed January 16, 1869, entitled "An Act to establish the Tennessee Agricultural College," and particularly the 4th section of said Act, which requires said Trustees to provide buildings for the accommodation of two hundred and seventy-five students with appropriate school-furniture, and also suitable lands, not less in extent than two hundred acres, so that the whole property shall be worth at a fair estimation not less than one hundred and twenty-five thousand dollars.

2d. As to the actual marketable value of the lands, houses and furniture, actually provided by said Trustees.

3d. As to whether any part of the lands and buildings provided by said Trustees in accordance with the requirements of section 4 of the said Act passed January 16, 1869, includes the ten acres of land, or any part thereof, or the buildings erected thereon, mentioned in section 8 of an Act passed October 26, 1807, entitled "An Act to establish a College in East Tennessee."

4th. As to whether the property provided by said University, in accordance with said law is not a portion of the trust fund granted by Act of Congress for the establishment of said University of which the State of Tennessee has

legal control by virtue of said grant, and not the property of said University within the view and intent of the Act establishing said Agricultural College.

5th. Whether, under the Act of Congress of July 2, 1862, and the Act amendatory thereto, passed July 23, 1866, there may be established more than one Agricultural College in Tennessee.

*Resolved*, That in order that the investigation may be thorough and complete, said committee is hereby authorized to send for persons and papers and administer oaths.

*Resolved*, That said committee be instructed to report to this General Assembly at the earliest practicable moment, what legislation is necessary to accomplish the object contemplated in the Act of Congress of July 2, 1862, and to preserve said fund undiminished as required by said Act, and to protect the State from loss in the management of the fund.

Adopted October 31, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 4, 1871, and approved.

JOHN C. BROWN, *Governor.*

## NUMBER XLII.

HOUSE JOINT RESOLUTION postponing the Election of a Public Printer.

WHEREAS, an Act has passed its three readings in the House of Representatives reducing the rate for public printing fifty per cent.; and

WHEREAS, the General Assembly by Joint Resolution fixed the second of November for the election Public Printer; and

WHEREAS, if an election is had before the repeal of the law fixing the rate for public printing, it is questionable whether the rates could be changed so as to affect the rates now allowed by law; therefore

*Be it resolved by the General Assembly of the State of*

*Tennessee*, That the election of Public Printer be postponed until Tuesday, the 14th day of November, 1871, 12 M.

Adopted November 2, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office November 6, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

### NUMBER XLIII.

HOUSE JOINT RESOLUTION Directory to certain Committee in reference to Bank deposits and Tennessee Money burned, &c.

*Resolved by the General Assembly of the State of Tennessee*, That a Committee of two on the part of the House and two on the part of the Senate, be appointed to carefully examine the duplicate receipts of the Cashiers of the various Depositories of the State, executed by them to the Clerks and Tax Collectors of the State, for the amount of the notes of the Bank of Tennessee, received by them for taxes and by them deposited in said Depositories, which by the Act enacted February 2, 1870, were required to be filed in the office of the Comptroller, and report as soon as practicable the total amount of said receipts: and

*Be it further resolved*, That said committee be directed to examine and report what amount of Tennessee money has been burned or destroyed since the passage of said Act of February 2, 1870, and what amount is now in the office of the Comptroller, and why the same should not at once be destroyed.

Adopted November 6, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office November 10, 1871, and approved November 10, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER XLIV.

HOUSE JOINT RESOLUTION Tendering the use of the State Library to the Federal Court, &c.

*Resolved by the General Assembly of the State of Tennessee,* That the Federal Court be, and they are hereby allowed all the rights and privileges to the Library of the State, for reference, as are awarded to the Supreme Court of the State.

Adopted November 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 10, 1871, and approved November 10, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER XLV.

HOUSE JOINT RESOLUTION Granting the use of Arms and Equipments to the High School of Sumner County.

*Be it resolved by the General Assembly of the State of Tennessee,* That fifty stands of arms, together with the necessary equipments, be loaned to the High School of Sumner County, located at Hendersonville, to be used for the military discipline and training of the students of said Institution.

*Be it further Resolved,* That before the arms and equipments are furnished as provided in the foregoing section of this Act, the Faculty of the High School aforesaid, be required to enter into bond payable to the State of Tennessee, in double the value of the arms and equipments loaned, conditioned for their safe custody and prompt re-

turn in good order, to the proper authorities of the State of Tennessee, when called for by the Governor.

Adopted November 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, Nashville, November 10, 1871, and approved November 10, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER XLVI.

HOUSE JOINT RESOLUTION Directory to certain Railroad and Turnpike Companies.

*Resolved by the General Assembly of the State of Tennessee,* That all Railroads except those that have been sold by the Commissioners, and Turnpike Companies, and other corporations, which may be indebted to the State on account of aid granted to them by the issuance of State bonds, shall make, through their respective officers or agents, to this Legislature, a full and detailed report of the amount of aid or number of State Bonds received by them and what disposition has been made of the same; if sold, to whom, and for what amount, and if hypothecated, to whom and for what amount.

*Resolved further,* That said reports shall be filed on or before the first day of December, 1871, and that the Governor of the State be requested to furnish without delay, to the President of each of said companies or corporations a copy of these resolutions, to the end that they have notice of this action of the General Assembly.

Adopted November 7, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 10, 1871, and approved November 10, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER XLVII.

SENATE JOINT RESOLUTION to pay a Complimentary Visit to  
Mrs. James K. Polk.

*Resolved*, That this General Assembly meet in the  
Hall of the House of Representatives on Tuesday, at  
half past two o'clock, to proceed in a body to pay their  
respects to Mrs. James K. Polk.

Adopted November 10, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 14, 1871, and  
approved.

JOHN C. BROWN,  
*Governor.*

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## CHAPTER XLVIII.

HOUSE JOINT RESOLUTION Authorizing the Comptroller to  
issue his warrant in favor of the Chairman of Committee of Ar-  
rangements for Inauguration of Governor, &c.

*Resolved by the General Assembly of the State of Ten-  
nessee*, That the Comptroller be authorized to issue his  
warrant on the Treasurer in favor of the Chairman on  
the part of the House, of Committee of Arrangements  
for the Inauguration of the Governor, for the sum of  
twenty-seven dollars and fifty cents, being amount ex-  
pended by said committee for music and hacks for minis-  
ters: the above amount to be included in the general ap-  
propriation bill for the present session.

Adopted November 13, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives,*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 14, 1871, and  
approved.

JOHN C. BROWN,  
*Governor.*

## NUMBER XLIX.

HOUSE JOINT RESOLUTION Appointing Committee to examine into and report what amount of Bonds have been paid, if any, to Solicitors for the State in certain cases.

*Resolved*, That a Special Committee of three, one on the part of the House, and two on the part of the Senate, be appointed to inquire and report to this General Assembly what amount of Bonds have been paid as fees to Hon. W. F. Cooper, W. B. Reese, Edwin H. Ewing, and to make such suggestions to the General Assembly as they may deem necessary and proper in the premises.

*Resolved*, That said committee be instructed to report to this General Assembly by three o'clock P. M. to-morrow if practicable.

Adopted November 15, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office November 20, 1871,  
and approved November 22, 1871.

JOHN C. BROWN,

*Governor.*

## NUMBER L.

HOUSE JOINT RESOLUTION, Directing Attorney General of the State to take action in reference to fees of Solicitors for the State in sale of Railroads.

WHEREAS, it is represented that the Clerk and Master of the Chancery Court of Davidson County, in obedience to an order of said Court, has taken proof to ascertain what would be a reasonable compensation to the solicitors for the State, employed by the Railroad Commissioners to attend to the proceeding in said Court in regard to the sale of delinquent Railroads, and that having taken such proof, the Clerk and Master, in accordance therewith has reported in favor of allowing to each of the said solicitors the sum of fifteen thousand dollars, making in all the



sum of forty-five thousand dollars, as counsel fees for said proceeding; and

WHEREAS, in the opinion of this General Assembly the allowance of such sum or sums would be unreasonable, extravagant and unjust to the people of the State. Therefore

*Be it Resolved by the General Assembly of the State of Tennessee,* That the Attorney General for the State be, and he is hereby directed to take official notice of these matters, and to except at once to the report of the Clerk and Master, and to oppose its confirmation by all means possible and consistent with the rules and practice of said Chancery Court, and he shall report his action in the premises to the present General Assembly at the earliest hour practicable.

— Adopted November 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 23, 1871,  
and approved.

JOHN C. BROWN,  
*Governor.*

## NUMBER LI.

SENATE JOINT RESOLUTION to provide for the Publication of the House and Senate Journals.

*Be it resolved by the General Assembly of the State of Tennessee,* That five hundred copies of the Appendix to the Senate Journal and five hundred copies of the Appendix to the House Journal be published for the use of the State, and that all documents, reports, messages or other matter to be incorporated in said Appendixes, shall be printed at the same time and from the form from which said documents, reports, messages or other matter are printed when originally ordered by either or both of the Houses of the General Assembly.

*Be it further resolved,* That the Reports of the Secretary of State, Treasurer, Comptroller, Librarian, Trustee of the Bank of Tennessee, the Railroad Commissioners, the Trustees of the East Tennessee University, Insane

Asylum, Deaf and Dumb School, Blind School, The Messages of the Governor, and such other matter as may from time to time be specially ordered, and no other, be printed for and incorporated into said Appendixes.

Adopted November 18, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 28, 1871, and approved.

JOHN C. BROWN,  
*Governor.*

## NUMBER LII.

A JOINT RESOLUTION Directing the Attorney General of the State to report what action he has taken under the Act of July 7, 1870, directing him to institute suits in the Chancery Courts against the Tennessee and Pacific Railroad Company.

*Resolved by the General Assembly of the State of Tennessee,* That the Honorable J. B. Heiskell, the Attorney General of the State, be requested to report at once to this General Assembly what action he has taken under the Act passed July 7, 1870, and approved July 8, 1870, directing him to institute suits in the Chancery Courts against the Tennessee and Pacific Railroad Company, and if he has taken no steps, why not?

*Resolved further,* That the Governor be requested to transmit a copy of this resolution to the Attorney General immediately.

Adopted November 24, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives,*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office November 24, 1871, and approved November 24, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LIII.

SENATE JOINT RESOLUTION Directory to the Secretary of State, the Governor and the Comptroller.

*Resolved by the General Assembly of the State of Tennessee,* That the Secretary of State, the Governor and the Comptroller be, and they are hereby directed to enforce and execute an Act entitled "An Act providing for the sale of State stock in all Turnpikes," passed March 12, 1860

Adopted November 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive office November 29, 1871, and approved December 1, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LIV.

SENATE JOINT RESOLUTION Directory to our Delegation in Congress in regard to Meteorological Reports.

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators in Congress be instructed, and our Representatives be requested to use their influence with the United States Government through the Executive and State Departments, in favor of the establishment by international co-operation of a general and systematic plan of Meteorological observation and crop reports, and to request the Government in furtherance of this object, to invite the other nations to meet, in the persons of their leading meteorologists at an early day in conference, like that of Brussels in 1853. 1st. For the purpose of connecting with the plan now proposed, the system that was then devised for the sea. 2d. For the purpose also of providing for a general system of telegraphic meteorology and crop reports, to the end that our knowledge of the laws which control the functions of the atmosphere may be increased, and that accurate and useful forecasts may

be made at frequent intervals as to weather and crops in all countries. And our Senators be instructed, and our Representatives be requested to use their influence to have the United States Government co-operate in this system of research by causing the plan that may be agreed upon in conference to be carried out in this country, and to be adopted on board the national cruisers.

*Be it further resolved,* That a copy of these resolutions be forwarded to the President of the United States, and to each of our Senators and Representatives in Congress, and to the Governor of each of the States, and that they be requested to recommend their adoption by the Legislatures of their respective States.

Adopted November 23, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, November 29, 1871, and approved December 1, 1871.

JOHN C. BROWN,  
*Governor.*

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## NUMBER LV.

HOUSE JOINT RESOLUTION Directing Comptroller to furnish statement of amount of Revenue derived from Taxes and Privileges, &c.

WHEREAS, The propriety of taxing certain avocations a privilege or license tax is the subject of discussion at every session of the Legislature; and

WHEREAS, Privilege or license taxes are imposed upon certain avocations and professions without any definite idea of the amount of revenue heretofore derived or to be derived from these privileges or license taxes; and

WHEREAS, Accurate information on this subject is important, if not necessary, to wise and intelligent legislation upon the subject of privilege taxes; therefore

*Be it resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be, and is hereby directed and instructed to report to the next General Assembly the amount of revenue derived during the year 1872, from the different avocations or professions upon which are imposed a privilege or license tax.

*Be it further resolved*, That the Comptroller be instructed to give such directions to the Revenue Collectors throughout the State and furnish them with such blanks as he may deem necessary to procure the information contemplated in this resolution.

Adopted November 27, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LVI.

HOUSE JOINT RESOLUTION Ordering 400 copies of the Apportionment Bill to be printed.

*Resolved by the General Assembly of the State of Tennessee*, That 200 copies of the Apportionment Bill be printed for the use of the House and 200 for the use of the Senate; said copies to contain the voting population of each County of the State.

Adopted November 29, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LVII.

SENATE JOINT RESOLUTION relative to the reports of the Blind School and Deaf and Dumb School.

*Resolved by the General Assembly of the State of Tennessee*, That three hundred copies of the reports of the

Trustees and Superintendent of the Blind School be published for the use of the school, three hundred copies for the use of the Senate, and four hundred copies for the use of the House of Representatives.

*Resolved further*, That three hundred copies of the reports of the Trustees and Superintendents of the Deaf and Dumb School be printed for the use of the school, three hundred copies for the use of the Senate, and four hundred copies for the use of the House of Representatives.

Adopted November 28, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 5, 1871, and approved December 5, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LVIII.

HOUSE JOINT RESOLUTION ordering reports of the Insane Asylum to be printed.

*Resolved by the General Assembly of the State of Tennessee*, That the reports of the Insane Asylum, with the Governor's message on the same, be printed—three hundred copies for the use of the Asylum, three hundred for the use of the Senate, and four hundred for the use of the House of Representatives.

Adopted November 28, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 2, 1871, and approved December 2, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LIX.

HOUSE JOINT RESOLUTION directory to our members in Congress in reference to refunding cotton tax.

The Committee on Federal Relations, to whom was re

ferred the Governor's special message, have had the same under careful consideration, and unanimously and heartily concur in his views and conclusions.

They have also agreed on the following preamble and resolutions :

WHEREAS, The tax upon cotton levied and collected by the government of the United States during the years 1865-'66 and '67, was, in our judgment, oppressive to the people of the Southern States, in that it was a direct tax upon industry, and imposed upon them at a time when they were prostrated and impoverished by war and attendant consequences, and

WHEREAS, We believe it to be the duty as well as policy of the Federal Government to promote the agricultural interest of the country, and to protect industry, for which purpose agricultural productions have uniformly been considered exempt from taxation, and

WHEREAS, The tax on cotton was an unequal one, and an undue discrimination in the agricultural pursuits of the country, in that it could only apply to a minority of the States of the Union, and those most needy and destitute, and therefore should have at least equal consideration. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators in the Congress of the United States be instructed, and our Representatives be requested, to introduce and support such measures during their next session as will cause to be refunded without delay to the people of the cotton growing States the tax imposed and collected on cotton for the years 1865, 1866 and 1867.

*Resolved,* That we do hereby most respectfully and earnestly memorialize the Honorable the Congress of the United States, to pass a law refunding to the people who paid this cotton tax the amount so paid.

*Resolved,* That the Governor is hereby authorized and requested to transmit to our Senators and Representatives in Congress a copy of these proceedings.

Passed December 4, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office December 6, 1871, and approved December 6, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LX.

HOUSE JOINT RESOLUTION directory to our members in Congress, asking an appropriation of public lands.

WHEREAS, There is a large amount of public lands within the Government of the United States, which belong equally to the people of all the States and Territories of the Union, and

WHEREAS, Said lands have been acquired by the common blood and treasure of the whole people, and are subject to disposal by the Senators and Representatives in Congress assembled, and

WHEREAS, knowledge, learning and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different States and Territories of the Union being highly conducive to this end. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress are hereby earnestly requested to use their endeavors to procure an Act of Congress appropriating one million acres of the public lands to each of the States and Territories of the United States for the establishment and endowment of one first-class University in each State and Territory, such lands to be sold, and the proceeds of sale applied for that purpose in such manner as the Congress may by law prescribe.

*Be it further resolved,* That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Adopted December 4, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

L. M. THARPE,  
*Speaker of the Senate, pro tem.*

Received at Executive Office, December 6, 1871, and approved December 6, 1871.

JOHN C. BROWN,  
*Governor.*



## NUMBER LXI.

HOUSE JOINT RESOLUTION in reference to the distribution of the Acts, &c.

*Resolved by the General Assembly of the State of Tennessee,* That there be printed the usual number of four thousand eight hundred and fifty copies of the Acts of the present session of the General Assembly, three hundred and fifty of which shall be in pamphlet, as required by law. Also, that there be printed three hundred copies of the journals of the Senate, and the same number of the House of Representatives, of the present General Assembly, to be distributed as usual, or as may be hereafter directed, and the appendix and journal proper of each House shall be bound in a single volume.

Adopted December 6th, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

L. M. THARPE,

*Speaker of the Senate, pro tem.*

Received at Executive Office December 7, 1871, and approved December 8, 1871.

JOHN C. BROWN,

*Governor.*

## NUMBER LXII.

HOUSE JOINT RESOLUTION appointing Turnpike Commissioners.

WHEREAS, The credit of the State has, from time to time been loaned to various turnpike and plank road companies in the State in the issuance and indorsement of bonds, and

WHEREAS, It is manifestly right and proper that steps should be taken at the earliest practical moment to see that in every such case that the laws have been faithfully complied with to the end that the State's interest therein may be protected. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Governor be directed, and he is hereby authorized and empowered to appoint and commission

one suitable person in each Grand Division of the State, to be known and designated as road commissioner, whose duty it shall be when so appointed and commissioned, to enquire into the condition and management of each turnpike and plank road in his Grand Division, to which the credit of the State has been loaned, or the State's stock in any railroad transferred, and shall report to the Governor in writing, from time to time, as he may require.

*Be it further resolved,* That to facilitate said inquiry, and to enable said Commissioner to make said investigation thorough and complete, they are each hereby empowered to call for and demand, receive and examine all the books, vouchers, and other papers of each of said companies in their respective divisions, and in every case when it is apparent to the mind of the Commissioner that there has been fraud or mismanagement on the part of the parties holding the fund or funds arising from the sale of any such stock or bonds, for the redemption and payment of which the State may be liable, it is hereby made the express duty of the commissioner to demand and receive all such unapplied funds, and other available assets belonging to said companies, and to hold the same in trust for the State, subject to the order and direction of the Governor.

*Be it further resolved,* That each commissioner, before entering upon the discharge of his duties, shall enter into bond, payable to the State of Tennessee, with approved security, in such amount as the Governor may think necessary.

*Be it further resolved,* That neither of said commissioners shall have power to institute suit in behalf of the State, except by and with the consent of the Governor and Attorney General of the State.

*Be it further resolved,* That for said services said commissioners shall each be entitled to demand and receive as compensation five per cent. of all sums thus saved to the State by them, and shall receive no other compensation whatever.

Passed December 7, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 11, 1871, and approved December 11, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXIII.

HOUSE JOINT RESOLUTION requesting Railroad Companies to grant free passage over their roads to State students in East Tennessee University.

WHEREAS, the railroads of the State of Tennessee have, without exception, been largely aided by the State in the loan of her credit by indorsement or otherwise, and

WHEREAS, The interest of the railroads of the State are intimately connected with, and largely dependant upon, the prosperity of the country through which they pass, and

WHEREAS, It is a fact universally conceded that whatever promotes the cause of popular education, promotes, in a corresponding degree, the development of the elements of popular wealth and prosperity. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the railroad companies of the State be and they are hereby requested to grant to all students nominated from the several counties of the State by the representatives thereof, to attend the Agricultural College at Knoxville (East Tennessee University) free of transportation on their respective roads to Knoxville and back to their homes, making one round trip during a term of five months.

*Be it further resolved,* That the Governor cause a copy of this resolution to be forwarded to the President of each railroad company in the State, asking a written response to this request, and the Governor is requested to report the response of each company to the next session of the General Assembly, and in the meantime to notify the President of East Tennessee University of such responses.

Adopted December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 12, 1871, and approved December 13, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXIV.

HOUSE JOINT RESOLUTION ordering 400 copies of the report of the Inspectors of the Penitentiary to be printed.

*Resolved*, That 250 copies of the report of the Inspectors of the Penitentiary be ordered printed for the use of the House and 150 for the use of the Senate.

Adopted December 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 11, 1871, and approved December 11, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXV.

SENATE JOINT RESOLUTION relative to charges against J. E. Rust, late State Treasurer.

WHEREAS, It appears upon investigation that the Comptroller has charged up against the present Treasurer the sum of (\$145,601.52) one hundred and forty-five thousand six hundred and one dollars and fifty-two cents, which is in the hands of J. E. Rust, late Treasurer, and was not turned over by him to his successor, and is not therefore chargeable to the present Treasurer, and

WHEREAS, It further appears that the present Treasurer has paid out of funds received and receipted for by him, the sum of ten thousand one hundred and fifty-three dollars and forty-nine cents, (\$10,153.49,) in making good accounts overdrawn by said late Treasurer Rust, in redeeming said Rust's checks outstanding and unpaid when he went out of office May 31, 1870, and in receipting for funds deposited at bank by revenue officers to the credit of said Rust, but which were not charged to him on receivable warrants. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee*, That the Comptroller be and he is hereby instructed to credit on his books "the amount in the Treas-

ury" with the sum of one hundred and forty-five thousand six hundred and one dollars and fifty-two cents, (145,601.52,) and to charge the same up to said J. E. Rust, late Treasurer, for future settlement.

*Be it further resolved,* That the Comptroller be and he is hereby directed to issue his payable warrant to the present Treasurer for the sum of ten thousand and one hundred and fifty-three dollars and forty-nine cents, (\$10,153.49,) so that the Treasurer may have a proper voucher for this sum so paid out, and that the Comptroller also charge this sum to the account of J. E. Rust, along with the item of \$145,601.52, balance remaining in his hands June 1, 1870, after allowing him credit for the Tennessee money burned.

Adopted December 6, 1871.

JAMES D. RICHARDSON.

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 11, 1871, and approved December 11, 1871.

JOHN C. BROWN,

*Governor.*

## NUMBER LXVI.

SENATE JOINT RESOLUTION authorizing the Comptroller to issue his warrant to Jones, Purvis & Co., for (\$500.00) five hundred dollars, and charge the same to the account of J. E. Rust, former Treasurer.

WHEREAS, The books of the Treasurer's office show that on the 16th day of May, 1870, J. E. Rust, then Treasurer, received from Jones, Purvis & Co., payable warrant No. 8385, drawn in their favor for public printing, and that the same was paid by a check for like amount on the Fourth National Bank of Nashville, and that said check has never been paid. Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue his warrant to Jones, Purvis & Co., for the sum of five hundred dollars, and that he take up and cancel said check,

and charge the amount thereof to the account of J. E. Rust, former Treasurer of the State.

Adopted December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXVII.

HOUSE JOINT RESOLUTION directory to the Attorney General and Reporter.

*Resolved by the General Assembly of the State of Tennessee,* That the Attorney General and Reporter for the State be and he is hereby instructed to represent the interest of the State of Tennessee in all matters connected with the Bank of Tennessee, and to immediately institute a thorough and rigid examination into the fraudulent issuance and appropriation of the bonds of the State to any person or persons, or to any railroad company or railroad companies; and it shall further be his duty to institute suits in the name of the State against any and all persons who have been in any way connected with the fraudulent issuance or the fraudulent appropriation of the bonds of the State, such suits to be prosecuted, and recovery to be had, if possible, for the use and benefit of the State, and said Attorney General and Reporter is hereby authorized, when, in his opinion the interest of the State demands it, to employ an able and efficient Attorney to assist him in the prosecution of such suit or suits as may be instituted as aforesaid, and also to institute and prosecute criminal actions against any party or parties who may be liable to the same, in connection with bonds of the State fraudulently issued and appropriated as aforesaid: *Provided,* that suit shall not be brought against such persons as may have voted in the board against the issuance of such bonds, nor against persons who opposed an illegal appropriation of bonds issued by the Governor.

*Be it further resolved*, That in the event the Attorney General and Reporter employs assistant counsel, he shall receive such compensation as the Legislature of the State may allow him for his services: *Provided*, that the employment of assistant counsel under this resolution shall not cost the State more than \$2,000 in all.

*Be it further resolved*, That it shall be the duty of said Attorney to prosecute, without delay, in the Supreme Court of the United States, any cause or causes which may be decided by the Supreme Court of the State adverse to the interests of the State, which involves the liability of the State to receive the new issue of the Bank of Tennessee in payment for taxes or otherwise.

Adopted December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER LXVIII.

HOUSE JOINT RESOLUTION directory to the Trustee of the Bank of Tennessee.

WHEREAS, There are various amounts of money due to the several counties and school districts in the State, arising from the sale of the school lands in the State, now in the hands of the Trustee of the Bank of Tennessee, as is shown by the report of the special joint committee, appointed under Joint Resolution No. 41, adopted on the 25th day of October, 1871, and approved November 4, 1871.

WHEREAS, On the 8th day of July, 1870, the General Assembly passed an Act directing and requiring said funds to be paid over to the Trustees of the various counties entitled to the same. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee*, That the Trustee of the Bank of Tennessee be and is hereby directed to pay over said various sums of money, as directed by the provisions of said Act of

the General Assembly, passed July 8, 1870, and approved July 11, 1870.

Adopted December 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 9, 1871, and approved December 9, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER LXIX.

HOUSE JOINT RESOLUTION in regard to the employment of convict labor on the State Capitol Grounds.

*Be it resolved by the General Assembly of the State of Tennessee,* That after the State Prison shall have been turned over to the Lessees of the same, it shall be the duty of the Superintendent of the Capitol to keep a book, showing the number of convicts employed each day upon the Capitol Grounds, and to so classify them as to show how many stone masons, or other mechanics, are embraced in the number employed; and also the number of wagons and carts employed on said grounds each day, and make a monthly report upon the first day of every month to the Comptroller of the State.

Adopted December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 12, 1871, and approved December 13, 1871.

JOHN C. BROWN,  
*Governor.*



## NUMBER LXX.

HOUSE JOINT RESOLUTION directory to Committee on Common School fund.

*Resolved*, That the Committee on Common Schools be instructed to inquire and report:

1st. The total amount of the school fund of the State on the 6th day of June, 1861.

2d. The total amount of the school fund now available, and

3d. Whether or not the State is liable for the difference between said two amounts.

4th. And if liable, what legislation is needed to restore so much of said fund as is not in existence.

Adopted December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 12, 1871, and approved December 13, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXI.

HOUSE JOINT RESOLUTION appointing Trustees of Hamden Sidney Academy of Knoxville.

*Resolved by the General Assembly of the State of Tennessee*, That Hugh L. McClung and John L. Moses be and they are hereby appointed Trustees of Hamden Sidney Academy of Knoxville.

Adopted December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXII.

HOUSE JOINT RESOLUTION fixing the time for the adjournment of the Thirty-Seventh General Assembly.

*Resolved*, That the Thirty-Seventh General Assembly of Tennessee adjourn *sine die* on Saturday, December 16, at 12 o'clock M., 1871, under the provisions of Article II, section 23, of the Constitution of the State.

Adopted December 14, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 15, 1871, and approved December 15, 1871.

JOHN B. BROWN, *Governor.*

## NUMBER LXXIII.

HOUSE JOINT RESOLUTION providing for the destruction of the plates and dies of the State Bank of Tennessee.

*Resolved by the General Assembly of the State of Tennessee*, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to mutilate or destroy the plates and dies of the State Bank now in the possession of Samuel Watson, Trustee of said Bank, and report their action to the General Assembly.

Adopted December 9, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 14, 1871, and approved December 14, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXIV.

SENATE JOINT RESOLUTION to appoint J. M. Coulter a Trustee of the East Tennessee University.

*Resolved by the General Assembly of the State of Tennessee, That J. M. Coulter, of Gibson county, be and he is hereby appointed a Trustee of East Tennessee University to fill the vacancy occasioned by the death of I. J. Roach, Esq.*

Adopted December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXV.

SENATE JOINT RESOLUTION appointing Hon. D. M. Key Commissioner.

*Be it resolved by the General Assembly of the State of Tennessee, That Joint resolution No. 13, adopted March 5, 1858, for the relief of Larkin Cardin, and the Joint Resolution No. 8, on the same subject, adopted December 16, 1859, be so amended that the Honorable D. M. Key, Chancellor of the Third Chancery Division, be appointed Commissioner in lieu of the Hon. George Brown, who has ceased to be a judicial officer since the adoption of said resolution.*

Adopted December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXVI.

SENATE JOINT RESOLUTION authorizing the Governor, Secretary of State, Treasurer and Comptroller, to cancel the bonds and coupons in the Comptroller's office.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Governor, Secretary of State, Treasurer and Comptroller are hereby directed to cancel all the bonds and coupons of the State of Tennessee retired by railroads under the various Acts of the General Assembly of this State, or which have been paid to the Comptroller by the purchasers of delinquent roads, or that may have come into the hands of the Comptroller from any source, as required by Act of this General Assembly, approved November 23d, 1871, and report to this or the next General Assembly, the number, series and character of each bond, and number of coupons attached to the bonds so cancelled, which bonds, when so cancelled, shall be filed away in the Comptroller's office in the order in which they were received; said report shall also show by what road or other person said bonds were paid in.

Adopted December 15, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER LXXVII.

HOUSE JOINT RESOLUTION directory to the Governor in reference to Jephtha G. Stencypher.

WHEREAS, His Excellency, the Governor of the State of West Virginia, has transmitted to His Excellency, the Governor of the State of Tennessee, a communication accompanied with accounts and vouchers for money expended by the State of West Virginia in the removal of one Jephtha G. Stencypher, a lunatic and citizen of the

State of Tennessee, from the jail of Lewis county. in West Virginia, to his home in Knox county, Tennessee, and asking that the State of West Virginia be reimbursed for said expenditure in the sum of three hundred and twenty-five dollars and eighty cents, and

WHEREAS, It does not appear that said Stencypher was a charge on the State of Tennessee, nor that he has ever been declared a lunatic, nor that he has not an estate sufficient to defray all expenses incurred in his removal by the State of West Virginia. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That His Excellency, the Governor of the State of Tennessee, be and he is hereby authorized and requested to obtain such further information on the subject as he may deem proper, and report the same to the next session of the General Assembly, with such recommendation as he may think expedient, by special message or otherwise.

Adopted December 16, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 16, 1871, and approved December 16, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER LXXVIII.

HOUSE JOINT RESOLUTION Directory to the Comptroller, &c.

WHEREAS, A part of the loans authorized to be made by the last General Assembly falls due during the present month, and inasmuch as it appears that the State is unable to pay the same at present; therefore

*Be it resolved by the General Assembly of the State of Tennessee,* That the Comptroller be and he is hereby directed to take steps to protect said loans, now due, or hereafter to become due, either by procuring an extension of time or by effecting new loans, and that he be authorized to use the bonds of the State as collaterals.

*Be it further resolved,* That no authority is given to

make loans for any other purpose than to replace those already made.

Adopted December 5, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office, December 11, 1871, and  
approved December 11, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXIX.

SENATE JOINT RESOLUTION to examine as to the labors performed by the Railroad Commissioners.

*Be it Resolved by the General Assembly of the State of Tennessee,* That a committee of two on the part of the Senate, and three on the part of the House, be appointed to examine into the amount of the labors performed by each of the State officers, the Ex-Governor D. W. C. Senter, the Comptroller and Secretary of State, as Railroad Commissioners, and report to this General Assembly what amount of labor in the capacity of Commissioners, has been performed by each, and what amount of compensation, if any, should be paid to each.

Adopted December 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office December 9, 1871, and  
approved December 9, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXX.

SENATE JOINT RESOLUTION Directing the Counsel for the State for the sale of Delinquent Railroads to deliver certain Bonds to the Comptroller.

*Resolved*, That the Committee appointed to investigate and report upon the facts of the alleged overcharge of the counsel in the Railroad cause, be instructed to request said counsel to turn over said bonds to the Comptroller of the Treasury ; and the Comptroller is directed to execute his receipt for the same.

Adopted December 2, 1871.

JAMES D. RICHARDSON,

*Speaker of the House of Representatives.*

JOHN C. VAUGHN,

*Speaker of the Senate.*

Received at Executive Office December 9, 1871, and approved December 9, 1871.

JOHN C. BROWN, *Governor.*

## NUMBER LXXXI.

SENATE JOINT RESOLUTION to approve and ratify the Lease of the State Penitentiary to Thos. O'Conner and R. F. Looney.

*Resolved by the General Assembly of the State of Tennessee*, That the memorandum of an agreement for the Lease of the State Penitentiary to Thos. O'Conner and R. F. Looney, which agreement is in the words and figures following :

Memorandum of an agreement entered into on this, the 17th day, of November, 1871, by and between T. A. Atchison, J. D. Maney and R. C. McNairy, of the city of Nashville, Inspectors of the Penitentiary of the State of Tennessee, on behalf of the State, of the one part ; and Thos. O'Conner, of the city of Knoxville, Tennessee, and Robt. F. Looney, of the city of Memphis, Tenn., of the other part :

WITNESSETH, That the said parties of the first part, acting in virtue of the power in them vested by an Act

of the General Assembly of said State passed on the fifth day of February, 1870, Chapter 59, to which reference is hereby had, have this day leased to the parties of the second part, and do hereby lease to said parties, for the term of (5) five years, from and after the first day of December next, after date hereof, the Penitentiary buildings, quarry ground, fixtures, machinery, tools, implements, engines, patterns, etc., and the free use thereof during the term aforesaid, together with the labor and service of the convicts now in or belonging to the prison, or under sentence for imprisonment therein, and with all convicts hereafter coming into said prison, but subject to the right of pardon by the Governor and without any liability to deduction on the part of the State for escapes, sickness, loss of prisoners, fire, or for any other casualty whatsoever.

Inventories and descriptive schedules with value attached, one to be made on delivery of the property of all engines, machinery, fixtures, tackel bands, tools, implements, patterns, etc., furniture, safes, desks, scales, elevators, showing the condition of each, and the same or articles of like description and value, in either case in as good condition and repair as when delivered, are to be re-delivered at the end of the lease.

All the wall and buildings and permanent erections of every kind in or about the prison, or belonging thereto, are to be kept and maintained as a State prison in the condition in which they now are, and in repair at least equal to that in which they are delivered, and to be re-delivered in that condition, and the State is not to be liable for any loss by fire or casualty, nor shall she be liable to replace any part thereof destroyed by fire or casualty, nor shall the Lessees be so liable for any such loss of buildings or permanent machinery without blame on their part, but no loss by fire or other casualty shall release the Lessees from the payment of any part of the thirty thousand dollars by them annually to be paid. The parties of the second part are to pay into the Treasury of the State of Tennessee, thirty thousand dollars per annum, being the sum of seven thousand five hundred dollars quarterly, in Treasury notes of the United States on the first days of March, June, September and December in each and every year during the continuance of said lease, said payments to commence on the first day of March, 1872, and ending on the first day of December, 1876.

They are to purchase all the live stock, vehicles and



other property belonging to the prison, also all supplies and material at a cash valuation, all unfinished work and finished goods of every kind at the cost of material and manufacture, in the estimate of which manufacture the labor of the convicts shall be computed at thirty cents per day.

On the sum to be paid for material, supplies, etc., the sum of fifteen thousand dollars is to be paid down; forty-five thousand dollars, with interest from date, is to be paid on the first day of March, 1872, and the sum of fifteen thousand dollars on the first of June, 1872, and the remainder on the first day of January, 1873. The last three payments to be secured by indorsed paper of undoubted solvency and credit, negotiable in bank, and to be approved by the party of the first part, the Governor, Comptroller and Treasurer.

All prison expenses of every kind now by law chargeable upon the prison are to be paid by the Lessees, the parties of the second part, excepting only the salaries of the Warden, Assistant Warden, Surgeon and Chaplain. They are to furnish all supplies, food, clothing, tobacco, medical supplies, and other outlays for the prisoners, promptly on the requisition of the Warden or Assistant Warden. They are to take, carry out and fulfill all the contracts and obligations for which the Penitentiary is bound, and are to bear all the expenses thereof, and to have all the profits and emoluments arising therefrom.

The convicts are to be governed, controlled, and disciplined by the Warden and Assistant Warden and Guards, who are to be appointed by the Warden and to be subject to his control and orders, removable at his discretion, and answerable to him for their conduct. The Warden shall be charged with the duty now imposed upon him of treating the prisoners with humanity and kindness, protecting them from harsh treatment and overwork, and exacting of them a strict performance of the service and labor to which they are bound. The number of guards to be regulated by the Warden or the State.

The parties of the second part are permitted to work the convicts at any place in the State of Tennessee, subject to the rules, regulations and exceptions contained in the Act of February 5, 1870, and they are to have full control of the plan and character and kind of work in which the convicts are to be employed, but if the convicts are engaged by them in new species of labor other

than such as has been used heretofore for their employment, the same shall be subject to restrictions by the General Assembly of the State: *Provided*, they should deem such employment prejudicial to the public property or the good of the convicts.

For the faithful performance of all the stipulations of this contract, the parties of the second part are to execute within thirteen days, bonds with ample security in the aggregate sum of one hundred and thirty thousand (\$130,000) dollars, the form of the bonds, and the sufficiency of the securities to be approved by the Governor, Comptroller and Treasurer of the State, said bonds to be renewed annually. The schedules and inventories and valuations of property of every kind are to be made immediately by the parties and by a third person to be nominated by the Governor. The Inspectors, on behalf of the State, expressly reserve to themselves and to their successors in office, or to such authority as the General Assembly may at any time during the continuance of this lease, vest with their powers, the power to declare this lease at an end for any of the causes provided in the 10th section of the Act of February 5, 1870, and to re-lease as therein provided.

It is expressly understood that the improvements on the Capitol grounds are to be included among the contracts which the Lessees are to and do assume, and that they are to continue the work at the same rates as has been charged by the Inspectors in their monthly estimates heretofore furnished to the Comptroller, and that no charges not therein estimated are to be allowed or estimated for said work, to be subject to the right of the General Assembly to discontinue the same or direct any change of plan, but otherwise to be continued under the direction of the Inspectors of the Penitentiary, or their successors, or such other officers or person as may by law be charged with the superintendence of the same, and in accordance with the plans and specifications furnished by the Architect. All stone necessary for the Capitol grounds or other work ordered by the State during the continuance of the lease is reserved out of the quarries belonging to the Prison. In the event the office of Inspectors is abolished, the amount now paid from the Prison as their salaries (three thousand dollars per annum) shall be paid into the State Treasury with the quarterly payments of rents hereinbefore provided for.

Either of the contracting parties with the written as-

sent of the other, shall have the privilege of taking a policy for such insurance upon the buildings or permanent machinery as may be agreed upon, and in such case if loss should occur, the amount derived from such policy shall be used in replacing such buildings or machinery without charge to the other party.

The ten hours daily for which the convicts are bound to work may be equalized by the Warden by diminishing the time in winter and increasing it in summer.

In the event the State should, at the end of the term, desire to continue the policy of leasing, the present Lessees shall have the preference over others not offering more favorable terms upon such terms and conditions as may be agreed upon.

Attest:

B. A. ENLOE,  
S. L. WARREN,  
J. B. HEISKELL.

T. A. ATCHISON,  
R. C. McNAIRY,  
J. D. MANEY,  
*Inspectors.*  
THOS. O'CONNER,  
R. F. LOONEY.

Be and the same is hereby in all things ratified, approved and confirmed; and the various officers or agents of the State mentioned in said lease are hereby authorized to do and perform all that may be required of them by virtue of the terms of said lease.

Adopted November 22, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*  
JOHN C. VAUGHN,  
*Speaker of the Senate.*

Received at Executive Office and approved November 28, 1871.

JOHN C. BROWN,  
*Governor.*

## NUMBER LXXXII.

SENATE JOINT RESOLUTION appointing a Committee to wait upon the Governor.

*Resolved by the General Assembly of the State of Tennessee, That a committee of two on the part of the Senate, and three on the part of the House, be appointed to*

inform the Governor elect that it will suit the pleasure of the General Assembly to have him inaugurated on Tuesday, October 10, at 11 o'clock A. M., and said Committee when appointed will make the necessary arrangements for the same,

Adopted October 6, 1871.

JAMES D. RICHARDSON,  
*Speaker of the House of Representatives.*

JOHN C. VAUGHN,  
*Speaker of the Senate.*

Approved October 11, 1871,

JOHN C. BROWN,  
*Governor.*

STATE OF TENNESSEE,  
OFFICE OF THE SECRETARY OF STATE,  
*Nashville, February 7, 1872.* }

I, T. H. BUTLER, Secretary of State of the State of Tennessee, do hereby certify that I have carefully collated the foregoing Acts and Resolutions, with original copies on file in my office, and find them correctly printed.

T. H. BUTLER,  
*Secretary of State.*

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